

In the
**United States Court of Appeals
for the Eleventh Circuit**

UNITED STATES OF AMERICA,
Plaintiff-Appellee,

v.

CHARLES JACKSON FRIEDLANDER,
Defendant-Appellant

ON APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF FLORIDA
No. 8:08-CR-318-T-27TGW-1

SUPPLEMENTAL APPENDIX

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January 29, 2020

Index of Appendix

District Court Docket Sheet.....Docket

Sentencing Transcript (proceedings held 07/21/09) Doc. 304

Certificate of Service

District Court Docket Sheet

US District Court Criminal Docket

U.S. District - Florida Middle
(Tampa)

8:08cr318

USA v. Friedlander

This case was retrieved from the court on Tuesday, January 28, 2020

Date Filed: 07/30/2008

Other Magistrate judge case number:

Docket: 8:08mj01353

Other court case number: 8:08mj1353

Class Code: CLOSED

Closed: yes

Defendants

Name

Charles Jackson Friedlander(1)
aka: Charles Friedlander
[Term: 07/22/2009]
Appeals court case numbers: '09-13811-A', 19-13347-A
11th Circuit 50328-018 BUTNER LOW FEDERAL
CORRECTIONAL INSTITUTION Inmate Mail/Parcels P.O. BOX
999 BUTNER, NC 27509

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Charges

Disposition

Complaints: 18:2422b Use computer to entice minors for

USCA11 Case: 19-13347 Document: 34 Date Filed: 01/29/2020 Page: 5 of 116

Pending: COERCION OR ENTICEMENT OF FEMALE(1)
Offense Level (Opening): Felony

360 MONTHS Federal Bureau of Prisons; LIFE term of
Supervised Release; \$25,000 Fine; \$100 Special
Assessment

Terminated: none

Case Assigned to: Judge James D. Whittemore
Case Referred to: Magistrate Judge Thomas G. Wilson

Name

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[Term: 07/08/2019]

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Date	#	Proceeding Text
07/24/2008	1	COMPLAINT as to Charles Friedlander (1). (CAW) [8:08-mj-01353-TGW] (Entered: 07/25/2008)
07/25/2008	3	ORDER APPOINTING FEDERAL PUBLIC DEFENDER as to Charles Friedlander. Signed by Magistrate Judge Thomas G. Wilson on 7/25/2008. (Wilson, Thomas) [8:08-mj-01353-TGW] (Entered: 07/25/2008)
07/25/2008		Arrest of Charles Friedlander on 7/25/08 (CAW) [8:08-mj-01353-TGW] (Entered: 07/25/2008)
07/25/2008	4	Remark - Order Appointing Federal Public Defender should be terminated; appointment was made

in error. (CAW) [8:08-mj-01353-TGW] (Entered: 07/25/2008)

USCA11 Case: 19-13347 Document: 34 Date Filed: 01/29/2020 Page: 6 of 116

07/25/2008	5	Minute Entry for proceedings held before Magistrate Judge Thomas G. Wilson: INITIAL appearance as to Charles Friedlander held on 7/25/2008. Defendant retained own attorney. Government requested detention, defendant requested continuance of detention hearing and preliminary exam hearing. Detention and preliminary exam hearings set 8/1/08 at 10 AM. (3:57-4:04) (CAW) [8:08-mj-01353-TGW] (Entered: 07/25/2008)
07/25/2008	6	NOTICE OF HEARING as to Charles Friedlander. Detention Hearing set for 8/1/2008 at 10:00 AM in Courtroom 12 A before Magistrate Judge Thomas G. Wilson. Preliminary Examination set for 8/1/2008 at 10:00 AM in Courtroom 12 A before Magistrate Judge Thomas G. Wilson. (CAW) [8:08-mj-01353-TGW] (Entered: 07/25/2008)
07/28/2008	7	ARREST WARRANT returned executed on 7/25/08 as to Charles Friedlander. (CAW) [8:08-mj-01353-TGW] (Entered: 07/29/2008)
07/30/2008	8	INDICTMENT returned in open Court as to Charles Jackson Friedlander (1) count(s) 1. Modified on 8/1/2008 (LYB). (Entered: 07/31/2008)
08/01/2008	9	NOTICE of attorney appearance Adelaide G. Few appearing for USA. (Few, Adelaide) (Entered: 08/01/2008)
08/01/2008	10	Minute Entry for proceedings held before Magistrate Judge Thomas G. Wilson: ARRAIGNMENT as to Charles Friedlander (1) Count 1 held on 8/1/2008. Defendant(s) pled not guilty. Trial set 9/2/08 and status set 8/8/08 at 9:30 AM before Judge James Whittemore. (10:16-10:18) (CAW) (Entered: 08/01/2008)
08/01/2008	11	Minute Entry for proceedings held before Magistrate Judge Thomas G. Wilson: Detention Hearing as to Charles Friedlander held on 8/1/2008. Government requested detention; defendant requested bond and presented testimony of Dr. Paul Kaufman, William Hayden, Dr. Mitchell Kroungold & Attorney Howard Hujsa; Court to consider setting \$1,000,000 secured bond (Forfeiture Agreements) with other special conditions. Defense counsel to notify court when arrangements completed with for law enforcement officers and another hearing will be held to set conditions of release. (10:18-11:30) (CAW) (VLD). (Entered: 08/01/2008)
08/01/2008	12	PRETRIAL discovery order and notice as to Charles Friedlander Jury Trial set for 9/2/2008 at 09:30 AM in Courtroom 13 B before Judge James D. Whittemore. Status Conference set for 8/8/2008 at 09:30 AM in Courtroom 13 B before Judge James D. Whittemore. Please see order for discovery motions deadlines. Signed by Magistrate Judge Thomas G. Wilson on 8/1/2008. (CAW) (Entered: 08/01/2008)
08/07/2008	13	NOTICE of attorney appearance: George E. Tragos appearing for Charles Jackson Friedlander (Tragos, George) (Entered: 08/07/2008)
08/08/2008	14	Minute Entry for proceedings held before Judge James D. Whittemore: STATUS conference as to Charles Jackson Friedlander held on 8/8/2008. Court Reporter: Linda Starr (AO) (Entered: 08/13/2008)
08/08/2008	15	ORAL MOTION to continue trial by Charles Jackson Friedlander. (AO) (Entered: 08/13/2008)
08/08/2008	16	ORAL ORDER ruling deferred 15 Motion to continue trial as to Charles Jackson Friedlander (1). Upon the filing of a written motion to continue and signed speedy trial waiver to date certain, the case will be continued to the November, 2008 trial term. Status Conference set for 9/5/2008 at 09:30 AM in Courtroom 13 B before Judge James D. Whittemore. By Judge James D. Whittemore on 8/8/2008. (AO) (Entered: 08/13/2008)
08/13/2008	17	NOTICE OF HEARING as to Charles Jackson Friedlander. Bond Hearing set for 8/19/2008 at 10:30 AM in Courtroom 12 A before Magistrate Judge Thomas G. Wilson. (CAW) (Entered: 08/13/2008)
08/15/2008	18	NOTICE of Attempted Compliance by Charles Jackson Friedlander re 11 Detention Hearing (Attachments: # 1 Exhibit Exhibit A - Minutes, # 2 Exhibit Exhibit B - Resumes)(Tragos, George) (Entered: 08/15/2008)
08/15/2008	19	SUPPLEMENT re 18 Notice (other) Of Attempted Compliance (Attachments: # 1 Exhibit Resume) (Tragos, George) (Entered: 08/15/2008)
08/18/2008	20	NOTICE canceling bail review hearing scheduled for 8/19/08 at 10:30 AM as to Charles Jackson Friedlander pursuant to parties' request. Hearing RESET at 2:30 PM on 8/21/08 before Magistrate Judge Thomas G. Wilson in Courtroom 12A. (CAW) (Entered: 08/18/2008)
08/20/2008	21	TRANSCRIPT of Excerpt from Detention Hearing (Testimony of Dr. Mitchell Kroungold) as to Charles Jackson Friedlander held on 8/1/08 before Judge Thomas G. Wilson. Court Reporter/Transcriber Dennis Miracle, Telephone number 352/622-7212. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER or purchased through the Court Reporter. Redaction Request due 9/10/2008, Redacted Transcript Deadline set for 9/22/2008, Release of Transcript Restriction set for 11/18/2008. (DM) (Entered: 08/20/2008)
08/20/2008	22	NOTICE to counsel of filing of OFFICIAL TRANSCRIPT. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days. Any party needing a copy of the transcript to review for redaction

purposes may purchase a copy from the court reporter or view the document at the clerk's office public terminal as to Charles Jackson Friedlander. Court Reporter: Dennis Miracle (DM) (Entered: 08/22/2008)

08/21/2008 23 Minute Entry for proceedings held before Magistrate Judge Thomas G. Wilson: BOND Hearing as to Charles Jackson Friedlander held on 8/21/2008. Bail set at \$1,000,000 with other conditions. To be released at noon on 8/22/08 (2:41-3:24) (CAW) (Entered: 08/22/2008)

08/22/2008 24 WAIVER of speedy trial through December 1, 2008 by Charles Jackson Friedlander (Tragos, George) (Entered: 08/22/2008)

08/22/2008 25 MOTION to continue trial by Charles Jackson Friedlander. (Tragos, George) (Entered: 08/22/2008)

08/22/2008 26 NOTICE OF HEARING as to Charles Jackson Friedlander. Status Conference RESET for 9/25/2008 at 01:30 PM in Courtroom 13 B before Judge James D. Whittemore. Case is set on the October 6, 2008 Trial Term.(AO) (Entered: 08/22/2008)

08/22/2008 27 SURETY BOND secured by agreements to forfeit property entered as to Charles Jackson Friedlander in amount of \$ \$1,000,000. Signed by Magistrate Judge Thomas G. Wilson. (MRH) (Entered: 08/22/2008)

08/22/2008 28 AGREEMENT to forfeit property located in Ft. Myers by Charles Jackson Friedlander as to Charles Jackson Friedlander. (MRH) (Entered: 08/22/2008)

08/22/2008 29 AGREEMENT to forfeit property located in Washington, D.C. by Charles Jackson Friedlander as to Charles Jackson Friedlander. (MRH) (Entered: 08/22/2008)

08/22/2008 30 ORDER Setting Conditions of Release as to Charles Jackson Friedlander (1) Personal Surety bond secured by agreements to forfeit property in the amount of \$1,000.00. Signed by Magistrate Judge Thomas G. Wilson on 8/21/2008. (MRH) (Entered: 08/22/2008)

08/26/2008 31 ORDER granting 15 and 25 Motions to continue trial as to Charles Jackson Friedlander. Jury Trial set for November 2008 trial term which commences 11/3/2008 at 8:45 AM; Status Conference set for 10/3/2008 at 9:30 AM in Courtroom 13 B before Judge James D. Whittemore. Signed by Judge James D. Whittemore on 8/25/2008. (KE) (Entered: 08/26/2008)

08/27/2008 32 NOTICE of Filing by Charles Jackson Friedlander (Attachments: # 1 Exhibit Resumes)(Tragos, George) (Entered: 08/27/2008)

09/05/2008 33 Joint MOTION Date Certain and Protection of Dates by Charles Jackson Friedlander. (Tragos, George) Modified on 9/8/2008 (MRH). NOTE: TERMINATED. TWO MOTION RELIEFS NEEDED. ATTORNEY NOTIFIED. ATTORNEY TO REFILE. (Entered: 09/05/2008)

09/08/2008 34 Joint MOTION for a Date Certain, Joint MOTION for protection of Dates by Charles Jackson Friedlander. (Tragos, George) (Entered: 09/08/2008)

09/08/2008 35 ORDER denying 34 Joint Motion for a Date Certain and Protection of Dates. Signed by Judge James D. Whittemore on 9/8/2008. (KE) (Entered: 09/08/2008)

09/11/2008 36 MOTION to amend/correct Conditions of Bond by Charles Jackson Friedlander. (Tragos, George) (Entered: 09/11/2008)

09/23/2008 37 Amended MOTION to amend/correct Conditions of Bond by Charles Jackson Friedlander. (Tragos, George) Modified on 9/24/2008 (MRH). NOTE: INCORRECT CODE. ATTORNEY NOTIFIED. ATTORNEY TO REFILE. (Entered: 09/23/2008)

09/24/2008 38 ENDORSED ORDER referring 37 Defendant's Amended MOTION to Amend Conditions of Bond to Magistrate Judge Thomas G. Wilson for disposition. Signed by Judge James D. Whittemore on 9/24/2008. (KE) Motions referred to Magistrate Judge Thomas G. Wilson. (Entered: 09/24/2008)

09/24/2008 39 Amended MOTION to modify conditions of release by Charles Jackson Friedlander. (Tragos, George) (Entered: 09/24/2008)

10/01/2008 40 Unopposed MOTION to continue trial to December 2008 docket by Charles Jackson Friedlander. (Tragos, George) (Entered: 10/01/2008)

10/03/2008 41 Minute Entry for proceedings held before Judge James D. Whittemore: STATUS conference as to Charles Jackson Friedlander held on 10/3/2008. Court Reporter: Linda Starr (AO) (Entered: 10/06/2008)

10/03/2008 42 RENEWED ORAL MOTION for Trial Date Certain by Charles Jackson Friedlander. (AO) (Entered: 10/06/2008)

10/03/2008 43 ORAL ORDER granting 42 renewed motion for trial date certain. Case is set for trial date certain 11/17/08.. By Judge James D. Whittemore on 10/3/2008. (AO) (Entered: 10/06/2008)

10/16/2008 44 ORDER denying as moot 36 Motion to amend/correct as to Charles Jackson Friedlander (1); granting in part and denying in part 39 Motion to Modify Conditions of Release as to Charles Jackson Friedlander (1) (please view order to see modification of conditions). Signed by Magistrate Judge Thomas G. Wilson on 10/15/2008. (CAW) (Entered: 10/16/2008)

10/16/2008 45 TRIAL CALENDAR for trial term beginning November 3, 2008 as to Charles Jackson Friedlander. Jury Trial set for 11/17/2008 at 08:45 AM in Courtroom 13 B before Judge James D. Whittemore. Signed by Judge James D. Whittemore on 10/16/2008. (AO) (Entered: 10/16/2008)

10/17/2008	46	MOTION for disclosure of Government Exhibits and Incorp. Memo of Law by Charles Jackson Friedlander. (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Tragos, George) Motions referred to Magistrate Judge Thomas G. Wilson (Entered: 10/17/2008)
10/17/2008	47	MOTION in limine (Photographs) and Incorp. Memo of Law by Charles Jackson Friedlander. (Tragos, George) (Entered: 10/17/2008)
10/17/2008	48	MOTION in limine (E-Mails/IM's) by Charles Jackson Friedlander. (Tragos, George) (Entered: 10/17/2008)
10/17/2008	49	Unopposed MOTION to Allow Laptop and Cellular Phones in Federal Courthouse by Charles Jackson Friedlander. (Tragos, George) Modified on 10/20/2008 (MRH). NOTE: TERMINATED. INCORRECT CODE. ATTORNEY NOTIFIED. ATTORNEY TO REFILE. (Entered: 10/17/2008)
10/20/2008	50	MOTION to allow electronic equipment, specifically cell phone and laptop computer by Charles Jackson Friedlander. (Tragos, George) (Entered: 10/20/2008)
10/21/2008	51	ORDER granting in part and denying in part 50 motion to allow electronic equipment as to Charles Jackson Friedlander. Signed by Judge James D. Whittemore on 10/20/2008. (KE) (Entered: 10/21/2008)
10/21/2008	52	ORDER denying as moot 40 Motion to continue trial as to Charles Jackson Friedlander. Signed by Judge James D. Whittemore on 10/21/2008. (KE) (Entered: 10/21/2008)
10/22/2008	53	BILL of particulars as to Charles Jackson Friedlander. (Few, Adelaide) (Entered: 10/22/2008)
10/22/2008	54	MOTION to allow electronic equipment, specifically Laptop Computer by USA as to Charles Jackson Friedlander. (Kaiser, Amanda) (Entered: 10/22/2008)
10/23/2008	55	ORDER granting 54 Government's motion to allow electronic equipment into courthouse. Signed by Judge James D. Whittemore on 10/23/2008. (KE) (Entered: 10/23/2008)
10/30/2008	56	MOTION to extend time to to reply to motions Dkt No. 46, Dkt No. 47, and Dkt No. 48 by USA as to Charles Jackson Friedlander. (Kaiser, Amanda) (Entered: 10/30/2008)
10/30/2008	57	PROPOSED JURY INSTRUCTIONS by USA as to Charles Jackson Friedlander (Few, Adelaide) (Entered: 10/30/2008)
10/30/2008	58	TRIAL BRIEF by USA as to Charles Jackson Friedlander (Few, Adelaide) (Entered: 10/30/2008)
10/30/2008	59	PROPOSED verdict form filed by USA as to Charles Jackson Friedlander (Few, Adelaide) (Entered: 10/30/2008)
10/31/2008	60	ORDER granting 56 Government's motion for extension of time to respond to Defendant's motions. Signed by Judge James D. Whittemore on 10/30/2008. (KE) (Entered: 10/31/2008)
11/04/2008	61	PROPOSED VOIR DIRE questions by Charles Jackson Friedlander (Tragos, George) (Entered: 11/04/2008)
11/04/2008	62	PROPOSED JURY INSTRUCTIONS by Charles Jackson Friedlander (Tragos, George) (Entered: 11/04/2008)
11/04/2008	63	PROPOSED verdict form filed by Charles Jackson Friedlander (Tragos, George) (Entered: 11/04/2008)
11/05/2008	64	NOTICE of reciprocal discovery (Rule 16) by Charles Jackson Friedlander (Tragos, George) (Entered: 11/05/2008)
11/05/2008	65	MOTION Preclude Gov't from Admitting 404(B) Evidence by Charles Jackson Friedlander. (Tragos, George) (Entered: 11/05/2008)
11/05/2008	66	NOTICE of Filing by Charles Jackson Friedlander (Attachments: # 1 Exhibit Expert Summary, # 2 Exhibit Kroungold CV, # 3 Exhibit Berlin CV, # 4 Exhibit DiMarco CV)(Tragos, George) (Entered: 11/05/2008)
11/06/2008	67	Amended MOTION to Preclude Gov't from Admitting 404(B) Evidence by Charles Jackson Friedlander. (Attachments: # 1 Exhibit A)(Tragos, George) (Entered: 11/06/2008)
11/07/2008	68	RESPONSE to motion by USA as to Charles Jackson Friedlander re 47 MOTION in limine (Photographs) and Incorp. Memo of Law (Kaiser, Amanda) (Entered: 11/07/2008)
11/07/2008	69	RESPONSE to motion by USA as to Charles Jackson Friedlander re 48 MOTION in limine (E-Mails/IM's) (Attachments: # 1 Exhibit Government Exhibits 1 and 2)(Kaiser, Amanda) (Entered: 11/07/2008)
11/07/2008	70	RESPONSE to motion by USA as to Charles Jackson Friedlander re 46 MOTION for disclosure of Government Exhibits and Incorp. Memo of Law (Kaiser, Amanda) (Entered: 11/07/2008)
11/07/2008	71	MOTION in limine to preclude the government from referencing any prior case or investigations against the Defendant and Inc. Memo of Law by Charles Jackson Friedlander. (Tragos, George) (Entered: 11/07/2008)
11/10/2008	72	ORDER granting 46] Motion for disclosure as to Charles Jackson Friedlander (1) to the extent that the Government shall IDENTIFY, by 11/13/08, the exhibits which it intends to use at trial.. Signed by Magistrate Judge Thomas G. Wilson on 11/10/2008. (CAW) (Entered: 11/10/2008)
11/10/2008	73	MOTION in limine to Exclude Expert Witnesses and Request for Daubert Hearing by USA as to

11/10/2008	74	MOTION for hearing Daubert Hearing by USA as to Charles Jackson Friedlander. (Kaiser, Amanda) (Entered: 11/10/2008)
11/10/2008	75	MOTION to continue trial by USA as to Charles Jackson Friedlander. (Kaiser, Amanda) (Entered: 11/10/2008)
11/10/2008	76	RESPONSE to motion by USA as to Charles Jackson Friedlander re 67 Amended MOTION to Preclude Gov't from Admitting 404(B) Evidence (Attachments: # 1 Exhibit Exhibits 1 through 9) (Kaiser, Amanda) (Entered: 11/10/2008)
11/10/2008	77	NOTICE of Filing by Charles Jackson Friedlander (Attachments: # 1 Exhibit 1- Caputi Resume, # 2 Errata 2- Prast resume)(Tragos, George) (Entered: 11/10/2008)
11/10/2008	78	MOTION in limine to Preclude the Government from Presenting Corp. Romanowski's Expert Medical Opinion in the Presence of the Jury and Memo of Law by Charles Jackson Friedlander. (Tragos, George) (Entered: 11/10/2008)
11/10/2008	79	MOTION in limine to Preclude the Gov't from Presenting Corp. Romanowski's Recitation of Applicable FL Laws and Memo of Law by Charles Jackson Friedlander. (Tragos, George) (Entered: 11/10/2008)
11/11/2008	80	RESPONSE 73 MOTION in limine to Exclude Expert Witnesses and Request for Daubert Hearing, 74 MOTION for hearing Daubert Hearing by Charles Jackson Friedlander and Incorporated Memorandum of Law (Tragos, George) (Entered: 11/11/2008)
11/12/2008	81	NOTICE OF HEARING on all pending motions: 78 MOTION in Limine to Preclude the Government from Presenting Corp. Romanowski's Expert Medical Opinion in the Presence of the Jury; 79 MOTION in Limine to Preclude the Gov't from Presenting Corp. Romanowski's Recitation of Applicable FL Laws; 47 MOTION in Limine (Photographs); 71 MOTION in Limine to Preclude the Govt from Referencing any Prior Case or Investigations Against the Defendant; 48 MOTION in Limine (E-Mails/IM's); 74 MOTION for Daubert Hearing; 65 MOTION Preclude Govt from Admitting 404(B) Evidence; 73 MOTION in Limine to Exclude Expert Witnesses; 67 Amended MOTION to Preclude Gov't from Admitting 404(B) Evidence; and 75 Government's MOTION to Continue Trial. Motion Hearing set for 11/14/2008 at 9:30 AM in Courtroom 13B before Judge James D. Whittemore. (KE) (Entered: 11/12/2008)
11/12/2008	82	MOTION to allow electronic equipment, specifically laptop and cell phone by Charles Jackson Friedlander. (Tragos, George) (Entered: 11/12/2008)
11/13/2008	83	MEMORANDUM in support by Charles Jackson Friedlander re 80 Response Regarding Expert Testimony (Tragos, George) (Entered: 11/13/2008)
11/13/2008	84	ORDER granting in part and denying in part 82 Defendant's Motion to allow electronic equipment into courthouse. Signed by Judge James D. Whittemore on 11/13/2008. (KE) (Entered: 11/13/2008)
11/13/2008	85	MOTION to allow electronic equipment, specifically Laptop Computer on November 14, 2008 at 9:30 a.m., Motions Hearing by USA as to Charles Jackson Friedlander. (Kaiser, Amanda) (Entered: 11/13/2008)
11/14/2008	86	MOTION to amend/correct 74 MOTION for hearing Daubert Hearing filed by USA by USA as to Charles Jackson Friedlander. (Attachments: # 1 Exhibit)(Kaiser, Amanda) (Entered: 11/14/2008)
11/14/2008	89	Minute Entry for proceedings held before Judge James D. Whittemore: MOTION hearing as to Charles Jackson Friedlander re 79 MOTION in limine to Preclude the Gov't from Presenting Corp. Romanowski's Recitation of Applicable FL Laws filed by Charles Jackson Friedlander, 71 MOTION in limine to preclude the government from referencing any prior case or investigations filed by Charles Jackson Friedlander, 78 MOTION in limine to Preclude the Government from Presenting Corp. Romanowski's Expert Medical Opinion filed by Charles Jackson Friedlander, 85 MOTION to allow electronic equipment, specifically Laptop Computer on November 14, 2008 at 9:30 a.m., Motions Hearing filed by USA, 86 MOTION to amend/correct 74 MOTION for hearing Daubert Hearing filed by USA USA, 67 Amended MOTION to Preclude Gov't from Admitting 404(B) Evidence filed by Charles Jackson Friedlander, 47 MOTION in limine (Photographs) and Incorp. Memo of Law filed by Charles Jackson Friedlander, 65 MOTION Preclude Gov't from Admitting 404(B) Evidence filed by Charles Jackson Friedlander, 73 MOTION in limine to Exclude Expert Witnesses and Request for Daubert Hearing filed by USA, 48 MOTION in limine (E-Mails/IM's) filed by Charles Jackson Friedlander, 75 MOTION to continue trial filed by USA, 74 MOTION for hearing Daubert Hearing filed by USA held on 11/14/2008. Court Reporter: Linda Starr (AO) (Entered: 11/17/2008)
11/14/2008	90	ORAL ORDER denying 47 Motion in Limine as to Charles Jackson Friedlander (1). By Judge James D. Whittemore on 11/14/2008. (AO) (Entered: 11/17/2008)
11/14/2008	91	ORAL ORDER granting in part and denying in part 48 Motion in Limine as to Charles Jackson Friedlander (1). By Judge James D. Whittemore on 11/14/2008. (AO) (Entered: 11/17/2008)
11/14/2008	93	ORAL ORDER granting in part and denying in part 67 Amended Motion to Preclude Government from Admitting 404(b) Evidence as to Charles Jackson Friedlander (1). By Judge James D. Whittemore on 11/14/2008. (AO) (Entered: 11/17/2008)

11/14/2008	94	ORAL ORDER granting in part and denying in part 71 Motion in Limine as to Charles Jackson Friedlander (1). By Judge James D. Whittemore on 11/14/2008. (AO) (Entered: 11/17/2008)
11/14/2008	95	ORAL ORDER deferred ruling and granting in part 73 Motion in Limine and Request for Daubert Hearing as to Charles Jackson Friedlander (1). Daubert Hearing is scheduled for Monday 11/17/08 at 1:15 P.M. By Judge James D. Whittemore on 11/14/2008. (AO) (Entered: 11/17/2008)
11/14/2008	96	ORAL ORDER granting 74 Motion for Daubert Hearing as to Charles Jackson Friedlander (1). Daubert Hearing is scheduled for 11/17/08 at 1:15 P.M. By Judge James D. Whittemore on 11/14/2008. (AO) (Entered: 11/17/2008)
11/14/2008	97	ORAL ORDER provisionally denying 75 Motion to continue trial as to Charles Jackson Friedlander (1). By Judge James D. Whittemore on 11/14/2008. (AO) (Entered: 11/17/2008)
11/14/2008	98	ORAL ORDER denying 78 Motion in Limine as to Charles Jackson Friedlander (1). By Judge James D. Whittemore on 11/14/2008. (AO) (Entered: 11/17/2008)
11/14/2008	99	ORAL ORDER denying 79 Motion in Limine as to Charles Jackson Friedlander (1). By Judge James D. Whittemore on 11/14/2008. (AO) (Entered: 11/17/2008)
11/14/2008	100	ORAL ORDER denying as moot 85 motion to allow electronic equipment for 11/14/08 hearing as to Charles Jackson Friedlander (1). By Judge James D. Whittemore on 11/14/2008. (AO) (Entered: 11/17/2008)
11/14/2008	101	ORAL ORDER granting 86 Motion to amend/correct Dkt. 74 Motion for Daubert Hearing as to Charles Jackson Friedlander (1). Daubert Hearing is scheduled 11/17/08 at 1:15 P.M. By Judge James D. Whittemore on 11/14/2008. (AO) (Entered: 11/17/2008)
11/17/2008	87	MEMORANDUM in opposition by Charles Jackson Friedlander re 74 Motion for hearing Daubert Hearing (Tragos, George) (Entered: 11/17/2008)
11/17/2008	88	NOTICE of Filing by Charles Jackson Friedlander (Attachments: # 1 Exhibit Summary Chart) (Tragos, George) Modified on 11/17/2008 (MRH). NOTE: TERMINATED. INCORRECT EXHIBIT ATTACHMENT. ATTORNEY NOTIFIED. ATTORNEY TO REFILE. (Entered: 11/17/2008)
11/17/2008	92	ORAL ORDER denying as moot 65 Motion to Preclude Government from Admitting 404(b) Evidence as to Charles Jackson Friedlander (1). By Judge James D. Whittemore on 11/14/2008. (AO) (Entered: 11/17/2008)
11/17/2008	102	Minute Entry for proceedings held before Judge James D. Whittemore: DAUBERT hearing held on 11/17/2008 as to Charles Jackson Friedlander. Court Reporter: Linda Starr (AO) (Entered: 11/17/2008)
11/17/2008	103	ORAL SCHEDULING ORDER as to Charles Jackson Friedlander Status Conference set for 11/24/2008 at 04:00 PM ; Jury Trial set for 12/8/2008 at 08:45 AM in Courtroom 13 B before Judge James D. Whittemore. By Judge James D. Whittemore on 11/17/2008. (AO) (Entered: 11/17/2008)
11/20/2008	104	TRIAL CALENDAR for trial term beginning December 1, 2008 as to Charles Jackson Friedlander. Jury Trial set for 12/8/2008 at 08:45 AM; Status Conference set for 11/24/2008 at 04:00 PM in Courtroom 13 B before Judge James D. Whittemore Signed by Judge James D. Whittemore on 11/20/2008. (AO) (Entered: 11/20/2008)
11/24/2008	106	Minute Entry for proceedings held before Judge James D. Whittemore: STATUS conference as to Charles Jackson Friedlander held on 11/24/2008. Court Reporter: Linda Starr (AO) (Entered: 11/25/2008)
11/25/2008	105	NOTICE of intent to use evidence by Charles Jackson Friedlander (Tragos, George) (Entered: 11/25/2008)
11/25/2008	107	NOTICE OF HEARING as to Charles Jackson Friedlander. Jury Trial set for 12/8/2008 at 08:45 AM in Courtroom 13 B before Judge James D. Whittemore. (AO) (Entered: 11/25/2008)
12/02/2008	108	Unopposed MOTION to travel by Charles Jackson Friedlander. (Tragos, George) (Entered: 12/02/2008)
12/02/2008	109	MOTION to allow electronic equipment, specifically Cell phone and Laptop by Charles Jackson Friedlander. (Tragos, George) (Entered: 12/02/2008)
12/02/2008	110	MOTION in limine to Exclude Expert Testimony and/or in the Alternative Request for Daubert Hearing by USA as to Charles Jackson Friedlander. (Attachments: # 1 Exhibit Exhibit 1)(Kaiser, Amanda) (Entered: 12/02/2008)
12/02/2008	111	ORDER granting 108 Motion to Travel as to Charles Jackson Friedlander (1). Signed by Magistrate Judge Thomas G. Wilson on 12/2/2008. (Wilson, Thomas) (Entered: 12/02/2008)
12/03/2008	112	MOTION to allow electronic equipment, specifically Laptop Computer on December 4, 2008 by USA as to Charles Jackson Friedlander. (Kaiser, Amanda) (Entered: 12/03/2008)
12/03/2008	113	MOTION to allow electronic equipment, specifically Laptop Computer beginning December 8, 2008 through the duration of Trial by USA as to Charles Jackson Friedlander. (Kaiser, Amanda) (Entered: 12/03/2008)
12/04/2008	114	ORDER granting in part and denying in part 109 motion to allow electronic equipment as to Charles Jackson Friedlander. Signed by Judge James D. Whittemore on 12/2/2008. (KE) (Entered: 12/04/2008)

12/04/2008	115	WITNESS LIST by Charles Jackson Friedlander (Tragos, George) (Entered: 12/04/2008)
12/04/2008	116	ENDORSED ORDER granting 112 Government's motion to allow laptop computer into Courthouse. Amanda Kaiser, AUSA is permitted to bring a laptop computer into the Courthouse on 12/4/08, subject to inspection and approval by Court Security. Signed by Judge James D. Whittemore on 12/4/2008. (KE) (Entered: 12/04/2008)
12/04/2008	117	MOTION for miscellaneous relief, specifically Allow Witness to Remain in the Courtroom and be Excluded from Fed. Rule of Evidence 615 and Incorp. Memo of Law by Charles Jackson Friedlander. (Tragos, George) (Entered: 12/04/2008)
12/04/2008	118	EXHIBIT LIST by Charles Jackson Friedlander (Tragos, George) (Entered: 12/04/2008)
12/04/2008	119	MOTION for miscellaneous relief, specifically for Additional Jurors by Charles Jackson Friedlander. (Tragos, George) (Entered: 12/04/2008)
12/04/2008	120	RESPONSE in opposition by Charles Jackson Friedlander re 110 Motion in limine Exclude Expert Testimony and Incorp. Memo of Law (Attachments: # 1 Exhibit A, # 2 Exhibit B)(Tragos, George) (Entered: 12/04/2008)
12/04/2008	121	NOTICE of attorney appearance: Peter Anthony Sartes appearing for Charles Jackson Friedlander (Sartes, Peter) (Entered: 12/04/2008)
12/04/2008	122	PROPOSED JURY INSTRUCTIONS by USA as to Charles Jackson Friedlander (Kaiser, Amanda) (Entered: 12/04/2008)
12/04/2008	123	PROPOSED verdict form filed by USA as to Charles Jackson Friedlander (Kaiser, Amanda) (Entered: 12/04/2008)
12/04/2008	124	ENDORSED ORDER denying 119 Defendant's Motion for Additional Jurors. Signed by Judge James D. Whittemore on 12/4/2008. (KE) (Entered: 12/04/2008)
12/04/2008	125	ORDER granting 113 Government's motion to allow laptop computer into courthouse for trial. Signed by Judge James D. Whittemore on 12/4/2008. (KE) (Entered: 12/04/2008)
12/05/2008	126	WITNESS LIST by USA as to Charles Jackson Friedlander (Kaiser, Amanda) (Entered: 12/05/2008)
12/05/2008	127	EXHIBIT LIST by USA as to Charles Jackson Friedlander (Kaiser, Amanda) (Entered: 12/05/2008)
12/05/2008	128	PROPOSED VOIR DIRE questions by USA as to Charles Jackson Friedlander (Kaiser, Amanda) (Entered: 12/05/2008)
12/05/2008	129	WITNESS LIST by USA as to Charles Jackson Friedlander (Kaiser, Amanda) (Entered: 12/05/2008)
12/05/2008	130	EXHIBIT LIST by USA as to Charles Jackson Friedlander (Kaiser, Amanda) (Entered: 12/05/2008)
12/07/2008	131	MOTION for miscellaneous relief, specifically Permit evidence under Fed. R. 106 and Incorporated memorandum of law by Charles Jackson Friedlander. (Tragos, George) (Entered: 12/07/2008)
12/08/2008	132	Minute Entry for proceedings held before Judge James D. Whittemore: Voir Dire and Trial held on 12/8/2008 - DAY 1, as to Charles Jackson Friedlander. Court Reporter: Linda Starr (AO) (Entered: 12/09/2008)
12/08/2008	133	ORAL ORDER granting 117 Motion Relief as to Charles Jackson Friedlander (1). By Judge James D. Whittemore on 12/8/2008. (AO) (Entered: 12/09/2008)
12/08/2008	134	ORAL MOTION to modify conditions of release by Charles Jackson Friedlander. (AO) (Entered: 12/09/2008)
12/08/2008	135	ORAL ORDER granting in part and denying in part 134 Motion to Modify Conditions of Release as to Charles Jackson Friedlander (1). Court will permit the defendant to switch to a GPS monitoring system supervised by Pretrial Services. By Judge James D. Whittemore on 12/8/2008. (AO) (Entered: 12/09/2008)
12/09/2008	136	ORDER MODIFYING PRETRIAL RELEASE MONITORING DEVICE as to Charles Jackson Friedlander. Signed by Judge James D. Whittemore on 12/9/2008. (AO) (Entered: 12/09/2008)
12/09/2008	137	Minute Entry for proceedings held before Judge James D. Whittemore: JURY TRIAL - DAY 2 as to Charles Jackson Friedlander held on 12/9/2008. Court Reporter: Linda Starr (AO) (Entered: 12/09/2008)
12/10/2008	138	Minute Entry for proceedings held before Judge James D. Whittemore: JURY TRIAL - DAY 3 as to Charles Jackson Friedlander held on 12/10/2008. Court Reporter: Linda Starr (AO) (Entered: 12/11/2008)
12/10/2008	139	ORAL ORDER granting in part and denying in part 110 Motion in Limine as to Charles Jackson Friedlander (1). By Judge James D. Whittemore on 12/10/2008. (AO) (Entered: 12/11/2008)
12/11/2008	140	Minute Entry for proceedings held before Judge James D. Whittemore: JURY TRIAL- DAY 4 as to Charles Jackson Friedlander held on 12/11/2008. Court Reporter: Linda Starr (AO) (Entered: 12/12/2008)
12/11/2008	141	ORAL MOTION for Judgment of Acquittal by Charles Jackson Friedlander. (AO) (Entered: 12/12/2008)
12/11/2008	142	ORAL ORDER denying 141 Motion for acquittal as to Charles Jackson Friedlander (1). By Judge

		James D. Whittemore on 12/11/2008. (AO) (Entered: 12/12/2008)
12/12/2008	143	Minute Entry for proceedings held before Judge James D. Whittemore: JURY TRIAL - DAY 5 as to Charles Jackson Friedlander held on 12/12/2008. Court Reporter: Linda Starr (AO) (Entered: 12/15/2008)
12/15/2008	144	Minute Entry for proceedings held before Judge James D. Whittemore: JURY TRIAL - DAY 6 as to Charles Jackson Friedlander held on 12/15/2008. Court Reporter: Linda Starr (AO) (Entered: 12/16/2008)
12/15/2008	145	ORAL MOTION for miscellaneous relief, specifically Renews all previous motions by Charles Jackson Friedlander. (AO) (Entered: 12/16/2008)
12/15/2008	147	ORAL MOTION for miscellaneous relief, specifically for Mistrial by Charles Jackson Friedlander. (AO) (Entered: 12/16/2008)
12/15/2008	148	ORAL ORDER granting in part and denying in part 145 Oral Motion to renew all previous motions; denying 146 Oral Motion for Judgment of Acquittal; denying 147 Oral Motion for Mistrial as to Charles Jackson Friedlander (1). By Judge James D. Whittemore on 12/15/2008. (AO) (Entered: 12/16/2008)
12/16/2008	146	ORAL MOTION for judgment of acquittal by Charles Jackson Friedlander. (AO) (Entered: 12/16/2008)
12/16/2008	149	Minute Entry for proceedings held before Judge James D. Whittemore: JURY TRIAL - DAY 7 as to Charles Jackson Friedlander held on 12/16/2008. Court Reporter: Linda Starr (AO) (Entered: 12/17/2008)
12/16/2008	150	ORAL MOTION for miscellaneous relief, specifically Mistrial by Charles Jackson Friedlander. (AO) (Entered: 12/17/2008)
12/16/2008	151	ORAL ORDER denying 150 Motion for Mistrial as to Charles Jackson Friedlander (1). By Judge James D. Whittemore on 12/16/2008. (AO) (Entered: 12/17/2008)
12/16/2008	152	ORAL MOTION to extend time to file post-trial motions by Charles Jackson Friedlander. (AO) (Entered: 12/17/2008)
12/16/2008	153	ORAL ORDER granting 152 Motion to extend time to file post-trial motions as to Charles Jackson Friedlander (1). Defendant is granted an extension of time to 30 days; Government's response is due 15 days thereafter.. By Judge James D. Whittemore on 12/16/2008. (AO) (Entered: 12/17/2008)
12/16/2008	154	TRIAL EXHIBIT LIST by USA as to Charles Jackson Friedlander (AO) (Entered: 12/17/2008)
12/16/2008	155	TRIAL EXHIBIT LIST by Charles Jackson Friedlander (AO) (Entered: 12/17/2008)
12/16/2008	156	COURT'S TRIAL EXHIBIT LIST as to Charles Jackson Friedlander (AO) (Entered: 12/17/2008)
12/16/2008	157	COURT'S JURY INSTRUCTIONS as to Charles Jackson Friedlander (AO) (Entered: 12/17/2008)
12/16/2008	159	WAIVER OF FORFEITURE HEARING BEFORE A JURY as to Charles Jackson Friedlander. (AO) (Entered: 12/17/2008)
12/16/2008	160	NOTICE OF HEARING as to Charles Jackson Friedlander. Sentencing set for 3/16/2009 at 01:30PM in Courtroom 13 B before Judge James D. Whittemore. (AO) (Entered: 12/17/2008)
12/17/2008	158	JURY VERDICT as to Charles Jackson Friedlander (1) Guilty on Count 1. (AO) (Entered: 12/17/2008)
12/18/2008	161	NOTICE of exhibits placed in the exhibit room (jury trial - 1 box) as to Charles Jackson Friedlander (JLH) (Entered: 12/19/2008)
01/06/2009	162	NOTICE of Mutual Mistake of Fact at Trial by USA as to Charles Jackson Friedlander (Attachments: # 1 Attachment)(Kaiser, Amanda) (Entered: 01/06/2009)
01/09/2009	163	MOTION for new trial & Inc. Memo of Law by Charles Jackson Friedlander. (Tragos, George) (JNB). (Entered: 01/09/2009)
01/12/2009	164	MOTION for acquittal (Renewed) by Charles Jackson Friedlander. (Tragos, George) (Entered: 01/12/2009)
01/23/2009	165	**INCORRECT EVENT CODES USED; COUNSEL NOTIFIED TO REFILE**REPLY to response to motion by USA as to Charles Jackson Friedlander re 164 MOTION for acquittal (Renewed) (Kaiser, Amanda) Modified on 1/26/2009 (JLH). (Entered: 01/23/2009)
01/23/2009	166	**INCORRECT EVENT CODES USED; COUNSEL NOTIFIED TO RE-FILE**REPLY to response to motion by USA as to Charles Jackson Friedlander re 163 MOTION for new trial & Inc. Memo of Law (Kaiser, Amanda) Modified on 1/26/2009 (JLH). (Entered: 01/23/2009)
01/23/2009	167	NOTICE OF HEARING on motions: 164 (Renewed) MOTION for Acquittal; 163 MOTION for New Trial. Motion Hearing set for 2/5/2009 at 1:30 PM in Courtroom 13B before Judge James D. Whittemore. NOTE TO MARSHAL: DEFENDANT MUST BE PRESENT AT SAID HEARING.(KE) (Entered: 01/23/2009)
01/26/2009	168	RESPONSE to motion by USA as to Charles Jackson Friedlander re 163 MOTION for new trial & Inc. Memo of Law (Kaiser, Amanda) (Entered: 01/26/2009)
01/26/2009	169	RESPONSE to motion by USA as to Charles Jackson Friedlander re 164 MOTION for acquittal (Renewed) (Kaiser, Amanda) (Entered: 01/26/2009)

02/05/2009	170	Minute Entry for proceedings held before Judge James D. Whittemore: MOTION hearing as to Charles Jackson Friedlander held on 2/5/2009 granting 163 Motion for new trial as to Charles Jackson Friedlander (1). denying as moot 164 Motion for acquittal as to Charles Jackson Friedlander (1). Court Reporter: Linda Starr (VLD) (Entered: 02/06/2009)
02/06/2009	171	Minute Entry for proceedings held before Judge James D. Whittemore: STATUS conference as to Charles Jackson Friedlander held on 2/6/2009. Court Reporter: Linda Starr (AO) (Entered: 02/06/2009)
02/06/2009	172	ORAL SCHEDULING ORDER as to Charles Jackson Friedlander. Jury Trial set for 3/23/2009 at 08:45 AM in Courtroom 13 B before Judge James D. Whittemore. By Judge James D. Whittemore on 2/6/2009. (AO) (Entered: 02/06/2009)
02/06/2009	173	MOTION for bond (reinstate) or to Set Bond & Incorp. Memo of Law by Charles Jackson Friedlander. (Tragos, George) (Entered: 02/06/2009)
02/06/2009	174	ORDER granting 163 Motion for new trial as to Charles Jackson Friedlander (1). Signed by Judge James D. Whittemore on 2/6/2009. (JNB) (Entered: 02/09/2009)
02/09/2009	175	EXHIBIT LIST by Charles Jackson Friedlander, (Motion Hearing) (KIT) (Entered: 02/09/2009)
02/09/2009	176	NOTICE of exhibits placed in the exhibit room (1 envelope - motion hearing) as to Charles Jackson Friedlander (JLH) (Entered: 02/10/2009)
02/10/2009	177	TRIAL CALENDAR for trial term March 2, 2009 as to Charles Jackson Friedlander. Jury Trial set for date certain on 3/23/2009 at 08:45 AM in Courtroom 13 B before Judge James D. Whittemore. Signed by Judge James D. Whittemore on 2/10/2009. (AO) (Entered: 02/10/2009)
02/17/2009	178	RESPONSE to motion by USA as to Charles Jackson Friedlander re 173 MOTION for bond (reinstate) or to Set Bond & Incorp. Memo of Law (Kaiser, Amanda) (Entered: 02/17/2009)
02/19/2009	179	TRANSCRIPT of Detention Hearing (Excluding Testimony of Dr. Mitchell Kroungold) as to Charles Jackson Friedlander held on 8/1/08 before Judge Thomas G. Wilson. Court Reporter/Transcriber Dennis Miracle, Telephone number 352/622-7212. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER or purchased through the Court Reporter. Redaction Request due 3/12/2009, Redacted Transcript Deadline set for 3/23/2009, Release of Transcript Restriction set for 5/20/2009. (DM) (Entered: 02/19/2009)
02/19/2009	180	NOTICE to counsel of filing of OFFICIAL TRANSCRIPT. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days. Any party needing a copy of the transcript to review for redaction purposes may purchase a copy from the court reporter or view the document at the clerk's office public terminal as to Charles Jackson Friedlander. Court Reporter: Dennis Miracle (DM) (Entered: 02/19/2009)
02/24/2009	181	NOTICE OF HEARING on Defendant's 173 MOTION to Reinstate Bond or to Set Bond.Motion Hearing set for 2/26/2009 at 4:00 PM in Courtroom 13B before Judge James D. Whittemore. NOTE TO USM: Defendant shall be present at said hearing.(KE) (Entered: 02/24/2009)
02/24/2009	182	MOTION for miscellaneous relief, specifically Preclude the Gov't from Admitting 404(B) evidence (Renewed) by Charles Jackson Friedlander. (Tragos, George) (Entered: 02/24/2009)
02/24/2009	183	MOTION for miscellaneous relief, specifically Preclude Gov't from Cross Examining Dr. Berlin regarding Testimony in first Trial that surround incorrect version of the DSM & Incorp. Memo of Law by Charles Jackson Friedlander. (Tragos, George) (Entered: 02/24/2009)
02/24/2009	184	MOTION in limine Preclude Gov't from Presenting Nude or Explicit Photos of Adults & Incorp. Memo of Law by Charles Jackson Friedlander. (Tragos, George) (Entered: 02/24/2009)
02/24/2009	185	MOTION in limine Preclude Gov't from Presenting e-Mails or Instant Messages of Explicit Correspondence with Adults & Incorp. Memo of Law (Renewed) by Charles Jackson Friedlander. (Tragos, George) (Entered: 02/24/2009)
02/24/2009	186	Unopposed MOTION to allow electronic equipment, specifically Laptops and Cell Phones (Renewed) by Charles Jackson Friedlander. (Tragos, George) (Entered: 02/24/2009)
02/24/2009	187	PROPOSED verdict form filed by Charles Jackson Friedlander (Tragos, George) (Entered: 02/24/2009)
02/24/2009	188	PROPOSED JURY INSTRUCTIONS by Charles Jackson Friedlander (Tragos, George) (Entered: 02/24/2009)
02/25/2009	189	RESPONSE to motion by USA as to Charles Jackson Friedlander re 183 MOTION for miscellaneous relief, specifically Preclude Gov't from Cross Examining Dr. Berlin regarding Testimony in first Trial that surround incorrect version of the DSM & Incorp. Memo of Law (Kaiser, Amanda) (Entered: 02/25/2009)
02/25/2009	190	MOTION in limine to Preclude the Gov't from Presenting Corp. Romanowski's Recitation of Applicable FL Law in the Presence of the Jury and Memo of Law by Charles Jackson Friedlander. (Tragos, George) (Entered: 02/25/2009)

02/25/2009	191	MOTION in limine to Preclude the gov't from Presenting Corp. Romanowski's Expert Medical Opinion in the presence of the Jury and Memo of Law by Charles Jackson Friedlander. (Tragos, George) (Entered: 02/25/2009)
02/25/2009	192	MOTION in limine to Preclude the gov't from Referencing any Prior Case or Investigations against the Defendant and Incorp Memo of Law by Charles Jackson Friedlander. (Tragos, George) (Entered: 02/25/2009)
02/26/2009	193	Minute Entry for proceedings held before Judge James D. Whittemore: denying 173 Motion for bond as to Charles Jackson Friedlander (1); MOTION hearing re 173 MOTION for bond (reinstate) or to Set Bond filed by Charles Jackson Friedlander held on 2/26/2009. Court Reporter: Linda Starr (AO) (Entered: 02/27/2009)
02/27/2009	194	MOTION to dismiss Based on Double Jeopardy and Inc. Memo of Law by Charles Jackson Friedlander. (Tragos, George) (Entered: 02/27/2009)
03/04/2009	195	MOTION for miscellaneous relief, specifically to Obtain Exhibits from Trial by USA as to Charles Jackson Friedlander. (Kaiser, Amanda) (Entered: 03/04/2009)
03/05/2009	196	MOTION to allow electronic equipment, specifically Laptop Computer by USA as to Charles Jackson Friedlander. (Kaiser, Amanda) (Entered: 03/05/2009)
03/05/2009	197	RESPONSE to motion by USA as to Charles Jackson Friedlander re 182 MOTION for miscellaneous relief, specifically Preclude the Gov't from Admitting 404(B) evidence (Renewed) (Attachments: # 1 Exhibit 1, # 2 Exhibit 2, # 3 Exhibit 3, # 4 Exhibit 4, # 5 Exhibit 5, # 6 Exhibit 6, # 7 Exhibit 7, # 8 Exhibit 8, # 9 Exhibit 9)(Kaiser, Amanda) (Entered: 03/05/2009)
03/05/2009	198	ENDORSED ORDER granting 195 Government's Motion to Obtain Exhibits from Trial. Signed by Judge James D. Whittemore on 3/5/2009. (KE) (Entered: 03/05/2009)
03/06/2009	199	RESPONSE to motion by USA as to Charles Jackson Friedlander re 184 MOTION in limine Preclude Gov't from Presenting Nude or Explicit Photos of Adults & Incorp. Memo of Law (Kaiser, Amanda) (Entered: 03/06/2009)
03/06/2009	200	MOTION for miscellaneous relief, specifically Obtain Exhibits from Trial by Charles Jackson Friedlander. (Tragos, George) (Entered: 03/06/2009)
03/06/2009	201	RESPONSE to motion by USA as to Charles Jackson Friedlander re 185 MOTION in limine Preclude Gov't from Presenting e-Mails or Instant Messages of Explicit Correspondence with Adults & Incorp. Memo of Law (Renewed) (Kaiser, Amanda) (Entered: 03/06/2009)
03/06/2009	202	TRIAL BRIEF by USA as to Charles Jackson Friedlander (Few, Adelaide) (Entered: 03/06/2009)
03/06/2009	203	PROPOSED JURY INSTRUCTIONS by USA as to Charles Jackson Friedlander (Few, Adelaide) (Entered: 03/06/2009)
03/06/2009	204	PROPOSED verdict form filed by USA as to Charles Jackson Friedlander (Few, Adelaide) (Entered: 03/06/2009)
03/06/2009	205	RESPONSE to motion by USA as to Charles Jackson Friedlander re 190 MOTION in limine to Preclude the Gov't from Presenting Corp. Romanowski's Recitation of Applicable fL Law in the Presence of the Jury and Memo of Law (Kaiser, Amanda) (Entered: 03/06/2009)
03/06/2009	206	RESPONSE to motion by USA as to Charles Jackson Friedlander re 191 MOTION in limine to Preclude the gov't from Presenting Corp. Romanowski's Expert Medical Opinion in the presence of the Jury and Memo of Law (Kaiser, Amanda) (Entered: 03/06/2009)
03/10/2009	207	ENDORSED ORDER granting 200 Defendant's MOTION to Obtain Exhibits from Trial. Signed by Judge James D. Whittemore on 3/10/2009. (KE) (Entered: 03/10/2009)
03/10/2009	208	RESPONSE to motion by USA as to Charles Jackson Friedlander re 192 MOTION in limine to Preclude the gov't from Referencing any Prior Case or Investigations against the Defendant and Incorp Memo of Law (Kaiser, Amanda) (Entered: 03/10/2009)
03/10/2009	209	RESPONSE to motion by USA as to Charles Jackson Friedlander re 194 MOTION to dismiss Based on Double Jeopardy and Inc. Memo of Law (Kaiser, Amanda) (Entered: 03/10/2009)
03/10/2009	210	ORDER granting 196 Government's motion to allow electronic equipment for trial. Signed by Judge James D. Whittemore on 3/10/2009. (KE) (Entered: 03/10/2009)
03/11/2009	211	ORDER granting in part and denying in part 186 Defendant's Renewed motion to allow electronic equipment. Signed by Judge James D. Whittemore on 3/11/2009. (KE) (Entered: 03/11/2009)
03/11/2009	212	TRIAL CALENDAR for trial term beginning March 18, 2009 as to Charles Jackson Friedlander. Jury Trial set for 3/23/2009 at 08:45 AM in Courtroom 13 B before Judge James D. Whittemore. Signed by Judge James D. Whittemore on 3/11/2009. (AO) (Entered: 03/11/2009)
03/11/2009	214	RECEIPT for return of GOVERNMENT exhibits and/or exhibit substitutes for re-trial as to Charles Jackson Friedlander. (JLH) (Entered: 03/12/2009)
03/12/2009	213	MOTION in limine to Preclude Corp. Romanowski from Stating Legal Conclusion in the Presence of the Jury and Memo of Law by Charles Jackson Friedlander. (Tragos, George) (Entered: 03/12/2009)
03/12/2009	215	MOTION for miscellaneous relief, specifically for Jury Instruction regarding mandatory Sentence &

		Inc. memo of Law by Charles Jackson Friedlander. (Tragos, George) (Entered: 03/12/2009)
03/12/2009	216	MOTION for miscellaneous relief, specifically to allow Defendant to have access to Medication and Food During Trial by Charles Jackson Friedlander. (Tragos, George) (Entered: 03/12/2009)
03/13/2009	217	RECEIPT for return of DEFENDANT exhibits and/or exhibit substitutes as to Charles Jackson Friedlander. (Returned for re-trial) (JLH) (Entered: 03/13/2009)
03/13/2009	218	MOTION in limine to Exclude Expert Witnesses and Request for Daubert Hearing by USA as to Charles Jackson Friedlander. (Kaiser, Amanda) (Entered: 03/13/2009)
03/13/2009	219	MOTION in limine to Preclude Defense Counsel from Making Improper Arguments in His Opening Statements by USA as to Charles Jackson Friedlander. (Kaiser, Amanda) (Entered: 03/13/2009)
03/13/2009	220	ORDER denying 216 Motion to Allow Defendant to Have Access as to Charles Jackson Friedlander. Copy to USM. Signed by Judge James D. Whittemore on 3/13/2009. (KE) (Entered: 03/13/2009)
03/13/2009	221	MOTION for reconsideration of Admissibility of Government's 404(B) Evidence Regarding Port St. Lucie Investigation by USA as to Charles Jackson Friedlander. (Kaiser, Amanda) (Entered: 03/13/2009)
03/13/2009	222	RESPONSE to motion by USA as to Charles Jackson Friedlander re 215 MOTION for miscellaneous relief, specifically for Jury Instruction regarding mandatory Sentence & Inc. memo of Law (Kaiser, Amanda) (Entered: 03/13/2009)
03/16/2009	223	ORDER denying 213 Defendant's Motion in Limine to Preclude Corporal Romanowski's [sic] From Stating a Legal Conclusion in the Presence of the Jury. Signed by Judge James D. Whittemore on 3/13/2009. (KE) (Entered: 03/16/2009)
03/16/2009	224	ORDER denying 215 Defendant's Motion for Jury Instruction Regarding Mandatory Sentence. Signed by Judge James D. Whittemore on 3/13/2009. (KE) (Entered: 03/16/2009)
03/16/2009	225	PROPOSED JURY INSTRUCTIONS by USA as to Charles Jackson Friedlander (Kaiser, Amanda) (Entered: 03/16/2009)
03/16/2009	226	PROPOSED verdict form filed by USA as to Charles Jackson Friedlander (Kaiser, Amanda) (Entered: 03/16/2009)
03/16/2009	227	PROPOSED VOIR DIRE questions by USA as to Charles Jackson Friedlander (Kaiser, Amanda) (Entered: 03/16/2009)
03/16/2009	228	ORDER granting in part 182 Motion; granting 183 Motion (1); denying 184 Motion in Limine; granting in part and denying in part 185 Motion in Limine; denying 190 Motion in Limine; denying 191 Motion in Limine; granting in part and denying in part 192 Motion in Limine; granting 218 Motion in Limine; granting 219 Motion in Limine; denying 221 Motion for Reconsideration. A hearing is scheduled for 3/20/09 at 9:30 A.M. Lead counsel and Defendant to be present. Signed by Judge James D. Whittemore on 3/16/2009. (KE). (Entered: 03/16/2009)
03/17/2009	229	RESPONSE to motion by Charles Jackson Friedlander re 218 MOTION in limine to Exclude Expert Witnesses and Request for Daubert Hearing (Tragos, George) (Entered: 03/17/2009)
03/17/2009	230	WITNESS LIST by Charles Jackson Friedlander (Tragos, George) (Entered: 03/17/2009)
03/18/2009	231	ORDER denying 194 Defendant's Motion to Dismiss Based on Double Jeopardy. Signed by Judge James D. Whittemore on 3/17/2009. (KE) (Entered: 03/18/2009)
03/18/2009	232	NOTICE OF APPEAL (Interlocutory) by Charles Jackson Friedlander re 231 Order on motion to dismiss. Filing fee \$ 455. (Tragos, George) Modified on 3/19/2009 (DG). NOTE: THIS ITEM WAS FILED INCORRECTLY DUE TO LACK OF COUNSEL'S ELECTRONIC SIGNATURE AND TRANSCRIPT ORDER FORM NEEDS TO BE FILED AS SEPARATE DOCUMENT. COUNSEL'S OFFICE NOTIFIED ON 3/19/09. (Entered: 03/18/2009)
03/18/2009	233	Emergency MOTION to stay Trial scheduled for March 23, 2009 & Inc. Memo of Law by Charles Jackson Friedlander. (Tragos, George) (Entered: 03/18/2009)
03/19/2009	234	NOTICE OF APPEAL (Interlocutory) by Charles Jackson Friedlander re 231 Order on motion to dismiss. Filing fee \$ 455. (Tragos, George) (Entered: 03/19/2009)
03/19/2009		TRANSMITTAL of initial appeal package as to Charles Jackson Friedlander to USCA consisting of certified copies of notice of appeal, docket sheet, order/judgment being appealed, and motion, if applicable to USCA re 234 Notice of appeal - interlocutory. Eleventh Circuit Transcript information form forwarded to pro se litigants and available to counsel at www.flmd.uscourts.gov under Forms and Publications/General. Certified copy of paid appellate fee receipt attached. (DG) Modified on 3/19/2009 (DG). (Entered: 03/19/2009)
03/19/2009	235	ORDER denying 233 Defendant's Emergency Motion for Stay and Motion to Continue Trial as to Charles Jackson Friedlander. Signed by Judge James D. Whittemore on 3/19/2009. (KE) (Entered: 03/19/2009)
03/19/2009		USCA appeal fees received \$ 455, receipt number T049662 as to Charles Jackson Friedlander re 234 Notice of appeal - interlocutory. (DG) (Entered: 03/19/2009)
03/19/2009	236	TRANSCRIPT information form filed by Charles Jackson Friedlander re 234 Notice of appeal - interlocutory. All necessary transcripts on file. (DG) (Entered: 03/19/2009)

03/19/2009	237	WITNESS LIST by USA as to Charles Jackson Friedlander (Kaiser, Amanda) (Entered: 03/19/2009)
03/19/2009	238	EXHIBIT LIST by USA as to Charles Jackson Friedlander (Kaiser, Amanda) (Entered: 03/19/2009)
03/20/2009	239	TRANSCRIPT of Jury Trial Proceedings for dates of 8 December 2008 held before Judge James D. Whittemore, re: 234 Notice of appeal - interlocutory as to Charles Jackson Friedlander. Court Reporter/Transcriber Linda Starr, Telephone number 813-301-5252. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER or purchased through the Court Reporter. Redaction Request due 4/10/2009, Redacted Transcript Deadline set for 4/20/2009, Release of Transcript Restriction set for 6/18/2009. (LS) (Entered: 03/20/2009)
03/20/2009	240	Minute Entry for proceedings held before Judge James D. Whittemore: STATUS conference as to Charles Jackson Friedlander held on 3/20/2009. Court Reporter: Linda Starr (AO) (Entered: 03/20/2009)
03/20/2009	241	TRANSCRIPT of Jury Trial Proceedings for dates of 9 December 2008 held before Judge James D. Whittemore, re: 234 Notice of appeal - interlocutory as to Charles Jackson Friedlander. Court Reporter/Transcriber Linda Starr, Telephone number 813-301-5252. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER or purchased through the Court Reporter. Redaction Request due 4/10/2009, Redacted Transcript Deadline set for 4/20/2009, Release of Transcript Restriction set for 6/18/2009. (LS) (Entered: 03/20/2009)
03/20/2009	242	TRANSCRIPT of Jury Trial Proceedings for dates of 10 December 2008 held before Judge James D. Whittemore, re: 234 Notice of appeal - interlocutory as to Charles Jackson Friedlander. Court Reporter/Transcriber Linda Starr, Telephone number 813-301-5252. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER or purchased through the Court Reporter. Redaction Request due 4/10/2009, Redacted Transcript Deadline set for 4/20/2009, Release of Transcript Restriction set for 6/18/2009. (LS) (Entered: 03/20/2009)
03/20/2009	243	TRANSCRIPT of Jury Trial Proceedings for dates of 11 December 2008 held before Judge James D. Whittemore, re: 234 Notice of appeal - interlocutory as to Charles Jackson Friedlander. Court Reporter/Transcriber Linda Starr, Telephone number 813-301-5252. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER or purchased through the Court Reporter. Redaction Request due 4/10/2009, Redacted Transcript Deadline set for 4/20/2009, Release of Transcript Restriction set for 6/18/2009. (LS) (Entered: 03/20/2009)
03/20/2009	244	TRANSCRIPT of Jury Trial Proceedings for dates of 12 December 2008 held before Judge James D. Whittemore, re: 234 Notice of appeal - interlocutory as to Charles Jackson Friedlander. Court Reporter/Transcriber Linda Starr, Telephone number 813-301-5252. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER or purchased through the Court Reporter. Redaction Request due 4/10/2009, Redacted Transcript Deadline set for 4/20/2009, Release of Transcript Restriction set for 6/18/2009. (LS) (Entered: 03/20/2009)
03/20/2009	245	TRANSCRIPT of Jury Trial Proceedings for dates of 15 December 2008 held before Judge James D. Whittemore, re: 234 Notice of appeal - interlocutory as to Charles Jackson Friedlander. Court Reporter/Transcriber Linda Starr, Telephone number 813-301-5252. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER or purchased through the Court Reporter. Redaction Request due 4/10/2009, Redacted Transcript Deadline set for 4/20/2009, Release of Transcript Restriction set for 6/18/2009. (LS) (Entered: 03/20/2009)
03/20/2009	246	TRANSCRIPT of Jury Trial Proceedings for dates of 16 December 2008 held before Judge James D. Whittemore, re: 234 Notice of appeal - interlocutory as to Charles Jackson Friedlander. Court Reporter/Transcriber Linda Starr, Telephone number 813-301-5252. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER or purchased through the Court Reporter. Redaction Request due 4/10/2009, Redacted Transcript Deadline set for 4/20/2009, Release of Transcript Restriction set for 6/18/2009. (LS) (Entered: 03/20/2009)
03/20/2009	247	TRANSCRIPT of Motions Hearing for dates of 14 November 2008 held before Judge James D. Whittemore, re: 234 Notice of appeal - interlocutory as to Charles Jackson Friedlander. Court Reporter/Transcriber Linda Starr, Telephone number 813-301-5252. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER or purchased through the Court Reporter. Redaction Request due 4/10/2009, Redacted Transcript Deadline set for 4/20/2009, Release of Transcript Restriction set for 6/18/2009. (LS) (Entered: 03/20/2009)

03/20/2009) 248 TRANSCRIPT of Daubert Hearing for dates of 17 November 2008 held before Judge James D. Whittemore, re: 234 Notice of appeal - interlocutory as to Charles Jackson Friedlander. Court Reporter/Transcriber Linda Starr, Telephone number 813-301-5252. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER or purchased through the Court Reporter. Redaction Request due 4/10/2009, Redacted Transcript Deadline set for 4/20/2009, Release of Transcript Restriction set for 6/18/2009. (LS) (Entered: 03/20/2009)

03/20/2009 249 NOTICE to counsel of filing of OFFICIAL TRANSCRIPTS. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of these transcripts. If no such Notice is filed, the transcripts may be made remotely electronically available to the public without redaction after 90 calendar days. Any party needing a copy of the transcripts to review for redaction purposes may purchase a copy from the court reporter or view the documents at the clerk's office public terminal as to Charles Jackson Friedlander. Court Reporter: Linda Starr (LS) Modified on 3/23/2009 (DG). (Entered: 03/20/2009)

03/23/2009 250 Minute Entry for proceedings held before Judge James D. Whittemore: Voir Dire held on 3/23/2009. DAY 1 OF TRIAL as to Charles Jackson Friedlander. Court Reporter: Linda Starr (AO) (Entered: 03/23/2009)

03/23/2009 251 WITNESS LIST by Charles Jackson Friedlander (Tragos, George) (Entered: 03/23/2009)

03/24/2009 253 Minute Entry for proceedings held before Judge James D. Whittemore: JURY TRIAL - DAY 2 as to Charles Jackson Friedlander held on 3/24/2009. Court Reporter: Linda Starr (AO) (Entered: 03/24/2009)

03/25/2009 252 USCA ORDER (certified copy) as to Charles Jackson Friedlander re 234 Notice of appeal - interlocutory, that appellant's emergency motion to stay his upcoming trial pending disposition of this appeal is denied. The District Court correctly concluded that the trial should proceed despite the pendency of this appeal. EOD: 3/20/09 USCA number: 09-11354-A (DG) Modified on 3/25/2009 (DG). (Entered: 03/24/2009)

03/25/2009 254 Minute Entry for proceedings held before Judge James D. Whittemore: JURY TRIAL - DAY 3 as to Charles Jackson Friedlander held on 3/25/2009. Court Reporter: Linda Starr (AO) (Entered: 03/25/2009)

03/26/2009 255 Minute Entry for proceedings held before Judge James D. Whittemore: JURY TRIAL - DAY 4 as to Charles Jackson Friedlander held on 3/26/2009. Court Reporter: Linda Starr (AO) (Entered: 03/26/2009)

03/26/2009 256 ORAL MOTION for directed verdict/acquittal by Charles Jackson Friedlander. (AO) (Entered: 03/26/2009)

03/26/2009 257 ORAL MOTION for Constitutionality Challenge by Charles Jackson Friedlander. (AO) (Entered: 03/26/2009)

03/26/2009 258 ORAL MOTION for Mistrial by Charles Jackson Friedlander. (AO) (Entered: 03/26/2009)

03/26/2009 259 ORAL ORDER denying 256 Oral Motion for directed verdict; ruling deferred 257 Oral Motion for Constitutionality Challenge; denying 258 Oral Motion for Mistrial as to Charles Jackson Friedlander (1). By Judge James D. Whittemore on 3/26/2009. (AO) (Entered: 03/26/2009)

03/26/2009 260 MOTION for miscellaneous relief, specifically declare 18U.S.C. 2422 Unconstitutionally Overbroad & violative of the first Amendment & Inc. Memo of Law by Charles Jackson Friedlander. (Tragos, George) (Entered: 03/26/2009)

03/27/2009 261 Minute Entry for proceedings held before Judge James D. Whittemore: JURY TRIAL - DAY 5 as to Charles Jackson Friedlander held on 3/27/2009. Verdict rendered. Court Reporter: Linda Starr (AO) (Entered: 03/27/2009)

03/27/2009 262 COURT'S JURY INSTRUCTIONS as to Charles Jackson Friedlander (AO) (Entered: 03/27/2009)

03/27/2009 263 JURY VERDICT as to Charles Jackson Friedlander (1) Guilty on Count 1. (AO) (Entered: 03/27/2009)

03/27/2009 264 TRIAL EXHIBIT LIST by USA as to Charles Jackson Friedlander (AO) (Entered: 03/27/2009)

03/27/2009 265 TRIAL EXHIBIT LIST by Charles Jackson Friedlander (AO) (Entered: 03/27/2009)

03/27/2009 266 COURT'S TRIAL EXHIBIT LIST as to Charles Jackson Friedlander (AO) (Entered: 03/27/2009)

03/27/2009 267 WAIVER OF FORFEITURE HEARING BEFORE A JURY as to Charles Jackson Friedlander. (AO) (Entered: 03/27/2009)

03/27/2009 268 ORAL MOTION to extend time to file Post-trial motions by Charles Jackson Friedlander. (AO) (Entered: 03/27/2009)

03/27/2009 269 ORAL ORDER granting 268 Motion to extend time to file post-trial motions as to Charles Jackson Friedlander (1). By Judge James D. Whittemore on 3/27/2009. (AO) (Entered: 03/27/2009)

03/27/2009 270 NOTICE OF HEARING as to Charles Jackson Friedlander. Sentencing set for 6/29/2009 at 03:00PM in Tampa Courtroom 13 B before Judge James D. Whittemore. (AO) (Entered: 03/27/2009)

03/30/2009	271	TRANSCRIPT information form filed by Charles Jackson Friedlander for proceedings held on 12/8/08; 12/9/08; 12/10/08; 12/11/08; 12/12/08; 12/15/08; and 12/16/08 before Judge Whittemore re: 234 Notice of appeal - interlocutory. Court Reporter: Linda Starr (Tragos, George) Modified on 3/31/2009 (DG). (Entered: 03/30/2009)
04/02/2009	272	RESPONSE to motion by USA as to Charles Jackson Friedlander re 260 MOTION for miscellaneous relief, specifically declare 18U.S.C. 2422 Unconstitutionally Overbroad & violative of the first Amendment & Inc. Memo of Law (Kaiser, Amanda) (Entered: 04/02/2009)
04/08/2009	273	MOTION for new trial & Inc. Memo of Law by Charles Jackson Friedlander. (Tragos, George) (Entered: 04/08/2009)
04/15/2009	274	RESPONSE to motion by USA as to Charles Jackson Friedlander re 273 MOTION for new trial & Inc. Memo of Law (Kaiser, Amanda) (Entered: 04/15/2009)
04/15/2009	275	ORDER denying 260 Defendant's Motion to Declare 18 U.S.C. § 2422 Unconstitutionally Overbroad and Violative of the First Amendment. Signed by Judge James D. Whittemore on 4/14/2009. (KE) (Entered: 04/15/2009)
04/20/2009	276	ORDER denying 273 Motion for new trial as to Charles Jackson Friedlander. Signed by Judge James D. Whittemore on 4/20/2009. (KE) (Entered: 04/20/2009)
04/24/2009	277	MOTION for miscellaneous relief, specifically Judgment of Acquittal (Renewed) by Charles Jackson Friedlander. (Tragos, George) (Entered: 04/24/2009)
04/29/2009	278	ORDER denying 277 Renewed Motion for Judgment of Acquittal as to Charles Jackson Friedlander. Signed by Judge James D. Whittemore on 4/28/2009. (KE) (Entered: 04/29/2009)
04/29/2009	279	NOTICE of exhibits place din the exhibit room (jury trial - 3 folders) as to Charles Jackson Friedlander (JLH) (Entered: 04/30/2009)
05/06/2009	280	NOTIFICATION that transcripts has been filed by Linda Starr re: 234 Notice of appeal - interlocutory as to Charles Jackson Friedlander, with District Court on 3/20/09. (DG) (Entered: 05/07/2009)
05/14/2009		ACKNOWLEDGMENT by USCA as to Charles Jackson Friedlander of receiving the initial appeal package on 3/23/09 re 234 Notice of appeal - interlocutory. (DG) (Entered: 05/14/2009)
06/01/2009	281	USCA ORDER (certified copy) as to Charles Jackson Friedlander re 234 Notice of appeal - interlocutory, that the appellant's motion to stay appeal pending filing of a Notice of Appeal to the District Court's rendition of the Judgment and Sentence, is granted. EOD: 5/28/09 USCA number: 09-11354-A (DG) (Entered: 06/01/2009)
06/23/2009	282	NOTICE to the Court Regarding Forfeiture by USA as to Charles Jackson Friedlander (Few, Adelaide) (Entered: 06/23/2009)
06/26/2009	283	SENTENCING MEMORANDUM by Charles Jackson Friedlander (Tragos, George) (Entered: 06/26/2009)
06/29/2009	284	EXHIBIT LIST by USA as to Charles Jackson Friedlander (Kaiser, Amanda) (Entered: 06/29/2009)
06/29/2009	285	Minute Entry for proceedings held before Judge James D. Whittemore: MINUTE ENTRY held on 6/29/2009 as to Charles Jackson Friedlander. Court Reporter: Sherrill L. Jackson (AO) (Entered: 06/29/2009)
06/29/2009	286	NOTICE OF HEARING as to Charles Jackson Friedlander. Sentencing reset for 7/28/2009 at 01:00PM in Tampa Courtroom 13 B before Judge James D. Whittemore. (AO) (Entered: 06/29/2009)
07/07/2009	287	NOTICE OF HEARING as to Charles Jackson Friedlander. Sentencing set for 7/21/2009 at 10:00AM in Tampa Courtroom 13 B before Judge James D. Whittemore. (AO) (Entered: 07/07/2009)
07/20/2009	288	EXHIBIT LIST by Charles Jackson Friedlander (Tragos, George) (Entered: 07/20/2009)
07/21/2009	289	Minute Entry for proceedings held before Judge James D. Whittemore: SENTENCING held on 7/21/2009 for Charles Jackson Friedlander (1), Count(s) 1, 360 MONTHS Federal Bureau of Prisons; LIFE term of Supervised Release; \$25,000 Fine; \$100 Special Assessment. Court Reporter: Linda Starr (AO) (Entered: 07/22/2009)
07/21/2009	290	SENTENCING HEARING EXHIBIT LIST by USA as to Charles Jackson Friedlander. (AO) (Entered: 07/22/2009)
07/21/2009	291	SENTENCING HEARING EXHIBIT LIST by Charles Jackson Friedlander. (AO) (Entered: 07/22/2009)
07/22/2009	292	JUDGMENT as to Charles Jackson Friedlander (1), Count(s) 1, 360 MONTHS Federal Bureau of Prisons; LIFE term of Supervised Release; \$25,000 Fine; \$100 Special Assessment. Signed by Judge James D. Whittemore on 7/22/2009. (AO) (Entered: 07/22/2009)
07/24/2009	293	NOTICE OF APPEAL by Charles Jackson Friedlander re 292 Judgment Filing fee not paid. (Tragos, George) (Entered: 07/24/2009)
07/24/2009	294	TRANSCRIPT information form filed by Charles Jackson Friedlander for proceedings held on 2/5/09, 3-23/27-09, 7/21/09 before Judge Whittemore re 293 Notice of appeal (Tragos, George) (Entered: 07/24/2009)
07/27/2009		TRANSMITTAL of initial appeal package as to Charles Jackson Friedlander to USCA consisting of

certified copies of notice of appeal, docket sheet, order/judgment being appealed, and motion, if applicable to USCA re 293 Notice of appeal. Eleventh Circuit Transcript information form forwarded to the court reporter and docket clerk to counsel at the court via email/USCA11.gov under Form and Publications/General. (SAH) (Entered: 07/27/2009)

07/27/2009		USCA appeal fees received \$455, receipt number T051184 as to Charles Jackson Friedlander re 293 Notice of appeal : (EJC) (Entered: 07/28/2009)
07/27/2009	295	NOTICE of exhibits placed in the exhibit room (sentencing - 1 folder) as to Charles Jackson Friedlander (JLH) (Entered: 07/29/2009)
07/28/2009		TRANSMITTAL to USCA forwarding USCA appeal fees received \$455, receipt number T051184 re 293 Notice of appeal as to Charles Jackson Friedlander (EJC) (Entered: 07/28/2009)
08/07/2009		ACKNOWLEDGMENT by USCA as to Charles Jackson Friedlander of receiving certified copies of paid appellate fee receipt and updated docket sheet on 7/30/09 re 293 Notice of appeal. (DG) (Entered: 08/07/2009)
08/07/2009	296	COURT REPORTER ACKNOWLEDGEMENT by Linda Starr re 293 Notice of appeal as to Charles Jackson Friedlander Estimated transcript filing date: 9/4/09. USCA number: 09-13811-A. (EJC) (Entered: 08/10/2009)
08/19/2009	297	SATISFACTION of Judgment as to Charles Jackson Friedlander. (Willing-FLU, Patricia) (Entered: 08/19/2009)
09/25/2009	298	MOTION for miscellaneous relief, specifically unseal record for appellate transcription by Charles Jackson Friedlander. (Sartes, Peter) (Entered: 09/25/2009)
10/05/2009	299	TRANSCRIPT of Jury Trial Proceedings for date of 23 March 2009 held before Judge James D. Whittemore, re: 293 Notice of appeal as to Charles Jackson Friedlander. Court Reporter/Transcriber Linda Starr, Telephone number 8133015252. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER or purchased through the Court Reporter. Redaction Request due 10/26/2009, Redacted Transcript Deadline set for 11/5/2009, Release of Transcript Restriction set for 1/4/2010. (LS) NOTE: COURT REPORTER NOTIFIED BY EMAIL ON 10/6/09 THAT THIS ITEM NEEDS TO BE RE-DOCKETED AS THE TRANSCRIPT FILED WAS TRIAL PROCEEDINGS OF 3/26/09. Modified on 10/6/2009 (DG). Modified on 10/7/2009 (DG). Modified on 10/7/2009 (DG). (Entered: 10/05/2009)
10/05/2009	300	TRANSCRIPT of Jury Trial Proceedings for date of 24 March 2009 held before Judge James D. Whittemore, re: 293 Notice of appeal as to Charles Jackson Friedlander. Court Reporter/Transcriber Linda Starr, Telephone number 8133015252. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER or purchased through the Court Reporter. Redaction Request due 10/26/2009, Redacted Transcript Deadline set for 11/5/2009, Release of Transcript Restriction set for 1/4/2010. (LS) Modified on 10/6/2009 (DG). (Entered: 10/05/2009)
10/05/2009	301	TRANSCRIPT of Jury Trial Proceedings for date of 25 March 2009 held before Judge James D. Whittemore, re: 293 Notice of appeal as to Charles Jackson Friedlander. Court Reporter/Transcriber Linda Starr, Telephone number 8133015252. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER or purchased through the Court Reporter. Redaction Request due 10/26/2009, Redacted Transcript Deadline set for 11/5/2009, Release of Transcript Restriction set for 1/4/2010. (LS) Modified on 10/6/2009 (DG). (Entered: 10/05/2009)
10/05/2009	302	TRANSCRIPT of Jury Trial Proceedings for date of 26 March 2009 held before Judge James D. Whittemore, re: 293 Notice of appeal as to Charles Jackson Friedlander. Court Reporter/Transcriber Linda Starr, Telephone number 8133015252. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER or purchased through the Court Reporter. Redaction Request due 10/26/2009, Redacted Transcript Deadline set for 11/5/2009, Release of Transcript Restriction set for 1/4/2010. (LS) Modified on 10/6/2009 (DG). (Entered: 10/05/2009)
10/05/2009	303	TRANSCRIPT of Jury Trial Proceedings for date of 27 March 2009 held before Judge James D. Whittemore, re: 293 Notice of appeal as to Charles Jackson Friedlander. Court Reporter/Transcriber Linda Starr, Telephone number 8133015252. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER or purchased through the Court Reporter. Redaction Request due 10/26/2009, Redacted Transcript Deadline set for 11/5/2009, Release of Transcript Restriction set for 1/4/2010. (LS) Modified on 10/6/2009 (DG). (Entered: 10/05/2009)
10/05/2009	304	TRANSCRIPT of Sentencing Proceedings for date of 21 July 2009 held before Judge James D. Whittemore, re: 293 Notice of appeal as to Charles Jackson Friedlander. Court Reporter/Transcriber Linda Starr, Telephone number 8133015252. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER or

		purchased through the Court Reporter. Redaction Request due 10/26/2009, Redacted Transcript Deadline set for 11/5/2009, Release of Transcript Restriction set for 1/4/2010. (LS) Modified on 10/6/2009 (DG). (Entered: 10/05/2009)
10/05/2009	305	NOTICE to counsel of filing of OFFICIAL TRANSCRIPTS. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days. Any party needing a copy of the transcript to review for redaction purposes may purchase a copy from the court reporter or view the document at the clerk's office public terminal as to Charles Jackson Friedlander. Court Reporter: Linda Starr (LS) Modified on 10/6/2009 (DG). (Entered: 10/05/2009)
10/05/2009	306	TRANSCRIPT of Motion Hearing for date of 5 February 2009 held before Judge James D. Whittemore, re: 293 Notice of appeal as to Charles Jackson Friedlander. Court Reporter/Transcriber Linda Starr, Telephone number 813-301-5252. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER or purchased through the Court Reporter. Redaction Request due 10/26/2009, Redacted Transcript Deadline set for 11/5/2009, Release of Transcript Restriction set for 1/4/2010. (LS) Modified on 10/6/2009 (DG). (Entered: 10/05/2009)
10/05/2009	307	NOTICE to counsel of filing of OFFICIAL TRANSCRIPT. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days. Any party needing a copy of the transcript to review for redaction purposes may purchase a copy from the court reporter or view the document at the clerk's office public terminal as to Charles Jackson Friedlander. Court Reporter: Linda Starr (LS) Modified on 10/6/2009 (DG). Modified on 10/6/2009 (DG). (Entered: 10/05/2009)
10/07/2009	308	TRANSCRIPT of Jury Trial for date of 23 March 2009 held before Judge James D. Whittemore, re: 293 Notice of appeal as to Charles Jackson Friedlander. Court Reporter/Transcriber Linda Starr, Telephone number 8133015252. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER or purchased through the Court Reporter. Redaction Request due 10/28/2009, Redacted Transcript Deadline set for 11/9/2009, Release of Transcript Restriction set for 1/5/2010. (LS) Modified on 10/13/2009 (DG). (Entered: 10/07/2009)
10/07/2009	309	NOTICE to counsel of filing of OFFICIAL TRANSCRIPT. The parties have seven (7) calendar days to file with the court a Notice of Intent to Request Redaction of this transcript. If no such Notice is filed, the transcript may be made remotely electronically available to the public without redaction after 90 calendar days. Any party needing a copy of the transcript to review for redaction purposes may purchase a copy from the court reporter or view the document at the clerk's office public terminal as to Charles Jackson Friedlander. Court Reporter: Linda Starr (LS) (Entered: 10/07/2009)
10/13/2009	310	ENDORSED ORDER granting 298 Motion to Unseal Record for Appellate Transcription as to Charles Jackson Friedlander. Signed by Judge James D. Whittemore on 10/13/2009. (KE) (Entered: 10/13/2009)
11/17/2009	311	RETURN of judgment executed as to Charles Jackson Friedlander on 9/8/09. Institution: FCC Butner, Medium II, Butner, NC. (MRH) (Entered: 11/17/2009)
12/09/2009	312	Corrected JUDGMENT as to Charles Jackson Friedlander (1), Count 1, 360 MONTHS Federal Bureau of Prisons; LIFE term of Supervised Release; \$25,000 Fine; \$100 Special Assessment. Signed by Judge James D. Whittemore on 12/8/2009. Amended to correct USM number. (AO) (Entered: 12/09/2009)
01/19/2010	313	RETURN of judgment executed as to Charles Jackson Friedlander on 9/8/09. Institution: FCI Butner, Medium II, Butner, NC. (MRH) (Entered: 01/19/2010)
01/28/2010	314	CERTIFICATE of readiness sent to USCA as to Charles Jackson Friedlander re: 234 Notice of appeal - interlocutory, 293 Notice of appeal. ROA consists of: PSI; volume of pleadings: 2; volume of transcripts: 18; Exhibits: 6 [4 folders; 2 envelopes]. USCA number: 09-11354-AA and 09-13811-AA (DG) (Entered: 01/28/2010)
01/28/2010		RECORD on appeal sent to USCA as to Charles Jackson Friedlander re 234 Notice of appeal - interlocutory, 293 Notice of appeal. Transmittal includes certified copy of docket sheet, PSI, volume of pleadings: 2, volume of transcripts: 18, volume of exhibits: 6 [4 folders; 2 envelopes]. USCA number: 09-11354-AA and 09-13811-AA (DG) (Entered: 01/28/2010)
02/03/2010		ACKNOWLEDGMENT by USCA as to Charles Jackson Friedlander of receiving the record on appeal on 2/1/10 re 234 Notice of appeal - interlocutory, 293 Notice of appeal. USCA number: 09-11354-AA and 09-13811-AA (DG) (Entered: 02/03/2010)
02/03/2010		ACKNOWLEDGMENT by USCA as to Charles Jackson Friedlander of receiving the certificate of readiness on 2/1/10 re 234 Notice of appeal - interlocutory, 293 Notice of appeal. USCA number: 09-11354-AA and 09-13811-AA (DG) (Entered: 02/03/2010)
11/12/2010	315	MANDATE of USCA AFFIRMED (certified copy) as to Charles Jackson Friedlander re 293 Notice of

appeal, 234 Notice of appeal - interlocutory. EOD: 9/3/10. Issued as Mandate: 11/9/10; USCA number: 09-11354-AA / 09-13811-AA. ROA returned and consists of: volume of pleadings: 2, volume of transcripts: 18, volume of exhibits: 5, folders: 2, envelopes: 3, (EJC) (Entered: 11/12/2010)

04/08/2011	316	Notification from the U.S. Court of Appeals, 11th Circuit, that WRIT OF CERTIORARI is denied by the U.S. Supreme Court as to Charles Jackson Friedlander The court's mandate having previously issued, no further action will be taken by this court. USCA number: 09-11354-FF (DG) (Entered: 04/08/2011)
06/24/2011	317	GOVERNMENT AND DEFENDANT EXHIBITS: The records in this case indicate that this case was disposed of more than thirty (30) days ago. The records also indicate that the Clerk's Office is in possession of various exhibits used during the proceedings.Pursuant to Local Rule 5.04, you are notified that you have thirty (30) days for the removal of the exhibits from the custody of the Clerk's Office, or the exhibits will be disposed of, or destroyed, as permitted by Local Rule 5.04. (JLH) (Entered: 06/24/2011)
06/28/2011	318	RECEIPT for return of GOVERNMENT exhibits and/or exhibit substitutes as to Charles Jackson Friedlander. (JLH) (Entered: 07/06/2011)
08/05/2011	319	CLERK'S certificate of destruction of DEFENDANT exhibits and/or exhibit substitutes as to Charles Jackson Friedlander. (JLH) (Entered: 08/05/2011)
08/12/2011	320	CLERK'S certificate of destruction of COURT exhibits and/or exhibit substitutes as to Charles Jackson Friedlander. (JLH) (Entered: 08/12/2011)
10/19/2011	321	MOTION for miscellaneous relief, specifically Disclose Presentence Report by Charles Jackson Friedlander. (Tragos, George) (Entered: 10/19/2011)
10/24/2011	322	ORDER granting 321 Defendant's Motion to Disclose Presentence Report to new counsel. Signed by Judge James D. Whittemore on 10/24/2011. (KE) (Entered: 10/24/2011)
04/03/2012	323	MOTION to vacate under 28 U.S.C. 2255 by Charles Jackson Friedlander. (Martinez, Victor) (Entered: 04/03/2012)
04/03/2012		All Further pleadings related to the 2255 motion as to Charles Jackson Friedlander to be filed in civil case 8: 12-CV-723-T-TGW (ARC) Modified on 4/6/2012 (AG). (Entered: 04/05/2012)
04/06/2012	324	ORDER terminating 323 Motion to vacate (2255) as to Charles Jackson Friedlander. Petitioner's motion remains under consideration in the corresponding civil file. See Case No. 8: 12-CV-723-T-27TGW. Signed by Judge James D. Whittemore on 4/6/2012. (KE) (Entered: 04/06/2012)
12/03/2012	325	Remark: COPY OF CIVIL JUDGMENT IN CIVIL CASE NUMBER: 8: 12-CV-723-T-27TGW. (BSN) (Entered: 12/03/2012)
06/08/2015	326	NOTICE of Inquiry by Charles Jackson Friedlander. Courtesy copy of docket sheet mailed to Jackson Friedlander. (RFK) (Entered: 06/08/2015)
06/27/2019	327	NOTICE OF ATTORNEY APPEARANCE: Joseph E. Parrish appearing for Charles Jackson Friedlander (Parrish, Joseph) (Entered: 06/27/2019)
06/27/2019	328	MOTION for Release from Custody Compassionate Release by Charles Jackson Friedlander. (Parrish, Joseph) (Entered: 06/27/2019)
06/27/2019	329	ENDORSED ORDER directing the United States Attorney's Office to respond to Defendant's Motion for Compassionate Release (Dkt. 328) within 10 days as to Charles Jackson Friedlander. Signed by Judge James D. Whittemore on 6/27/2019. (CAB) (Entered: 06/27/2019)
07/08/2019	330	Notice of substitution of AUSA. Colin P. McDonell substituting for Amanda C. Kaiser and Adelaide Few. (McDonell, Colin) (Entered: 07/08/2019)
07/08/2019	331	MOTION to Dismiss AND OPPOSITION TO DEFENDANT'S MOTION FOR COMPASSIONATE RELEASE by USA as to Charles Jackson Friedlander. (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D)(McDonell, Colin) (Entered: 07/08/2019)
07/15/2019	332	RESPONSE in Opposition by Charles Jackson Friedlander re 331 MOTION to Dismiss AND OPPOSITION TO DEFENDANT'S MOTION FOR COMPASSIONATE RELEASE (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C, # 4 Exhibit D)(Parrish, Joseph) (Entered: 07/15/2019)
07/30/2019	333	ORDER directing United States to respond within three (3) days. Signed by Judge James D. Whittemore on 7/30/2019. (AKA) (Entered: 07/30/2019)
08/02/2019	334	NOTICE OF ATTORNEY APPEARANCE Craig Robert Gestring appearing for USA. (Gestring, Craig) (Entered: 08/02/2019)
08/02/2019	335	MOTION to extend time to file response to motion by USA as to Charles Jackson Friedlander. (Gestring, Craig) (Entered: 08/02/2019)
08/05/2019	336	ENDORSED ORDER granting 335 Government's Request for Additional Time to Respond. The Government's response is now due on or before August 12, 2019. Signed by Judge James D. Whittemore on 8/5/2019. (AKA) (Entered: 08/05/2019)
08/12/2019	337	RESPONSE to Motion re 328 MOTION for Release from Custody Compassionate Release by USA as to Charles Jackson Friedlander (McDonell, Colin) (Entered: 08/12/2019)

08/14/2019	338	ENDORSED ORDER denying as moot 331 Motion to Dismiss as to Charles Jackson Friedlander (1). The United States requested that its motion to dismiss be withdrawn. see Dkt. 337 Signed by Judge James D. Whittemore on 8/14/2019. (Whittemore, James D) (Entered: 08/14/2019)
08/14/2019	339	ORDER denying 328 Defendant's Motion for Compassionate Release. Signed by Judge James D. Whittemore on 8/14/2019. (AKA) (Entered: 08/14/2019)
08/27/2019	340	NOTICE OF APPEAL by Charles Jackson Friedlander re 339 Order on Motion for Release from Custody Filing fee not paid. (Parrish, Joseph) (Entered: 08/27/2019)
08/28/2019	341	TRANSMITTAL of initial appeal package as to Charles Jackson Friedlander to USCA consisting of copies of notice of appeal, docket sheet, order/judgment being appealed, and motion, if applicable to USCA re 340 Notice of Appeal. Eleventh Circuit Transcript information form forwarded to pro se litigants and available to counsel at www.flmd.uscourts.gov under Forms and Publications/General. (LSS) (Entered: 08/28/2019)
09/03/2019	342	USCA Appeal Fees received \$ 505, receipt number TPA057948 as to Charles Jackson Friedlander re 340 Notice of Appeal (ARC) (Entered: 09/03/2019)
09/03/2019		USCA Case Number as to Charles Jackson Friedlander. USCA Number: 19-13347-A for 340 Notice of Appeal filed by Charles Jackson Friedlander. (JNB) (Entered: 09/03/2019)
12/19/2019		Pursuant to F.R.A.P. 11(c), the Clerk of the District Court for the Middle District of Florida certifies that the record is complete for purposes of this appeal re: 340 Notice of Appeal as to Charles Jackson Friedlander. All documents are imaged and available for the USCA to retrieve electronically. USCA number: 19-13347-AA. (BSN) (Entered: 12/19/2019)

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Doc. 304

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

UNITED STATES OF AMERICA

CASE NO. 8:08-CR-318-T-27TGW
21 JULY 2009
vs. TAMPA, FLORIDA
PAGES 1 - 91
VOLUME VI

CHARLES JACKSON FRIEDLANDER

TRANSCRIPT OF SENTENCING PROCEEDINGS
BEFORE THE HONORABLE JAMES D. WHITTEMORE
UNITED STATES DISTRICT JUDGE

APPEARANCES:

For the Petitioner: **Amanda C. Kaiser**
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Court Reporter: Linda Starr, RPR
Official Court Reporter
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Tampa, Florida 33602

Proceedings recorded and transcribed by
computer-aided stenography.

1 (Call to order at 9:58 AM.)

2 COURTROOM SECURITY OFFICER: All rise. This
3 Honorable Court is in session, The Honorable James
4 D. Whittemore presiding.

5 Be seated, please.

6 THE COURT: Good morning. We are here for
7 sentencing in the matter of United States versus
8 Charles Friedlander. Let's get the appearances.
9 For the government?

10 MS. KAISER: Amanda Kaiser. Good morning,
11 Your Honor.

12 THE COURT: Good morning. And for the
13 defendant?

14 MR. TRAGOS: George Tragos and Peter Sartes.
15 Good morning, Your Honor.

16 THE COURT: Good morning. I have received and
17 reviewed a presentence investigation report prepared
18 by the United States Probation Office.

19 Mr. Friedlander was charged in a one-count
20 indictment with child enticement in violation of
21 Section 2422(b) of Title 18. A jury found him
22 guilty of that offense. He was adjudicated guilty
23 after the verdict was announced. We are now here to
24 determine sentence.

25 The Court has received and reviewed a brief

1 memo from pretrial services, which simply summarized
2 the history of the defendant's pretrial release, his
3 detainment after the first trial, the defendant's
4 sentencing memorandum, which is Docket 283, an
5 earlier pretrial services memo dated June 26 of '09,
6 again, summarizing the conditions of release and
7 compliance until he was detained.

8 The government's notice of -- regarding
9 forfeiture, which is Docket 282, indicating that it
10 would not seek forfeiture of certain specified
11 computer-related matters, camera, looks like a
12 Gateway tower, a Dell computer, some memory -- a
13 memory card, some compact discs, etcetera.

14 I have also received an exhaustive number of
15 letters written on behalf of Mr. Friedlander. I
16 have read each of them. Accordingly, Mr. Tragos, I
17 do not expect to hear from these people again,
18 unless they have something new to say. So please
19 use your judgment in terms of presenting any matters
20 in mitigation; your witnesses, that is.

21 This defendant faces a minimum mandatory ten
22 years in a United States prison. Some of those
23 letters have talked about sentences that would be in
24 violation of that statute. I want to make that
25 comment on the record, up front, so that we don't

1 imply -- I know counsel would not, but lay people do
2 not always appreciate the mandatory nature of the
3 statutes. I don't want to imply indirectly that the
4 Court's considering anything other than, at the
5 minimum, a mandatory minimum sentence, in accordance
6 with the statute.

7 In the addendum, it appears that the
8 government has no unresolved objections to the
9 presentence report or the application of the
10 advisory guidelines. Is that correct, Ms. Kaiser?

11 MS. KAISER: Yes, Your Honor. That's correct.

12 THE COURT: All right. There are several
13 objections Mr. Tragos directed to the presentence
14 report's description of the offense conduct, and
15 I'll take them one at a time. If they do not impact
16 on the sentencing guidelines, please acknowledge
17 that so that we can focus on those that may. The
18 first is as to paragraph seven.

19 MR. TRAGOS: Your Honor, we don't believe
20 paragraph seven impacts, and -- and there's no
21 necessity to deal any further with paragraph seven.

22 THE COURT: All right. Thank you. The next
23 objection is directed to paragraph 16. That's the
24 Port St. Lucie investigation?

25 MR. TRAGOS: Right, Your Honor. This is

1 related to other paragraphs, as well, with regards
2 to whether or not the Port St. Lucie investigation
3 should be included in the presentence report as well
4 as within the scoring and, perhaps, that we should
5 deal with that as a broader issue.

6 So if we could move on from there and just
7 leave it in abeyance, Your Honor, until we get to
8 those paragraphs.

9 THE COURT: All right. The next objection is
10 directed to paragraph 20.

11 MR. TRAGOS: Yes, Your Honor. Paragraph 20
12 deals with a statement within the sentencing
13 guideline, victim impact statement, which says that
14 the defendant's conduct perpetuated a cycle of
15 victimization of children.

16 I believe that there is no evidence, and we
17 would have to ask that that be stricken from the
18 presentence report because in this particular case,
19 Your Honor, we have a situation where there was no
20 child pornography found, where there was no
21 implements of child pornography, where there were no
22 children found that he had victimized, and where the
23 law enforcement officer himself did not believe that
24 the defendant was victimizing children pursuant to
25 the chats.

1 So without any basis for saying that this
2 perpetuated a cycle of victimization of children, I
3 believe that that is improper to include that in the
4 presentence report.

5 THE COURT: All right. Ms. Kaiser, your
6 response?

7 MS. KAISER: Yes, Your Honor. I believe,
8 given the number of victims that the defendant
9 actually did chat with wanting to abuse in this
10 case, and for the length of time that he engaged in
11 such conduct, I think the way the paragraph is
12 written is accurate.

13 Probation correctly pointed out that, while it
14 was an undercover operation for at least three
15 children that we know about, the defendant did chat
16 with two separate law enforcement officers pretty
17 much at the same time, one of which he believed had
18 two little boys that he was going to abuse, another
19 law enforcement officer that he thought had a little
20 girl that he was going to abuse.

21 And if the court recalls, Corporal Romanosky's
22 testimony was that he had actually spoken to the
23 defendant prior to the investigation that we went to
24 trial on. He had talked to him a year or so
25 earlier, as well.

1 So given the time and the repeated references
2 that this defendant wanted to sexually abuse
3 children, and his continuing chats trying to arrange
4 that on multiple occasions, I think the way it's
5 described in the presentence report is accurate.

6 THE COURT: Mr. Tragos, your reply.

7 MR. TRAGOS: Yes, Your Honor. The last
8 sentence of the probation officer's addendum says
9 that this -- they are -- that this is a factual
10 determination, that there's a factual determination
11 that he -- that his conduct perpetuates the cycle of
12 victimization of children, and I just don't see
13 where there's any evidence of that.

14 His conversations with the law enforcement
15 officers and, first of all, no children, and the
16 court ruled that there does not have to be an actual
17 child or he doesn't even have to intend to sexually
18 abuse a child to be guilty of this crime. And,
19 therefore, I don't believe that it's accurate to say
20 that a cycle of victimization of children was
21 present.

22 THE COURT: This does not impact the
23 guidelines; correct?

24 MR. TRAGOS: Excuse me?

25 THE COURT: This does not impact the

1 guidelines?

2 MR. TRAGOS: No, Your Honor. But it could
3 impact him in the Bureau of Prisons.

4 THE COURT: Well, the conviction itself may.
5 But in some respects, the statement is somewhat
6 opinionated. And I'm not being critical; I'm simply
7 recognizing that it's a statement drawn by the
8 probation officer from the conduct.

9 I see very little difference, however, between
10 the possession of child pornography in a pictorial
11 form or video form as it relates to the
12 victimization of children and perpetuation of that
13 cycle and one who utilizes the internet to approach
14 or access children in the care of those who would be
15 willing to allow them to be abused.

16 So the medium used, whether it be pictorial or
17 video graphic or, in this case, internet chats,
18 e-mails or instant messaging, although different,
19 are all intended and do perpetuate the cycle of
20 child victimization regarding physical and sexual
21 abuse of children. That cannot be overlooked.

22 So while the statement may be somewhat of an
23 opinion in terms of being drawn from the
24 circumstances, I think it is an accurate opinion and
25 I would draw the same opinion, and do so. And that

1 is why this offense carries with it a minimum
2 mandatory ten years, notwithstanding that there was
3 not an actual child victim waiting, if you will, to
4 be abused.

5 And counsel's comment -- and I understand it,
6 but for this record and for those who are not
7 lawyers -- that the Court ruled in a certain way,
8 what the Court did was follow Eleventh Circuit law
9 precedent, which I am sworn to do, in making the
10 determination that it was not necessary that an
11 actual child be involved.

12 I will overrule the objection, finding that
13 the paragraph is an appropriate statement because
14 the defendant's conduct did, indeed, perpetuate the
15 cycle of victimization of children.

16 We will now turn to paragraph 24. There is
17 apparently an objection to the offense level
18 computation. Mr. Tragos?

19 MR. TRAGOS: Yes, Your Honor. If we could, if
20 the court will allow us to deal with those
21 paragraphs that -- where the Court initially said
22 had little or no impact on the guidelines
23 calculations in order to dispose of them quickly and
24 then get to the ones that take more time, or is --

25 THE COURT: I don't know how much time we're

1 going to take on them, but go right ahead. It
2 doesn't matter to me in what order.

3 MR. TRAGOS: Well, I was going to say, Your
4 Honor, that we don't need to deal with six at all.

5 THE COURT: All right. That's the objection
6 posed to paragraph 66?

7 MR. TRAGOS: Yes.

8 THE COURT: Concerning a description of his
9 residences, that kind of thing?

10 MR. TRAGOS: Yes, Your Honor.

11 THE COURT: All right. Can I mark that as
12 withdrawn, then?

13 MR. TRAGOS: Yes, Your Honor.

14 THE COURT: All right. And then paragraph 73,
15 your objection --

16 MR. TRAGOS: Yes, Your Honor. I believe that
17 73, the -- which is paragraph -- right, paragraph
18 73-7 of the addendum is misleading, Your Honor,
19 because I believe that there was more to that
20 paragraph than what was said by the probation
21 officer. I would like to present to the court
22 Exhibit Number 3.

23 THE COURT: Which is?

24 MR. TRAGOS: Which is a letter, Your Honor,
25 the letter that was quoted by the probation officer

1 from Dr. Zeichner, Z-e-i-c-h-n-e-r.

2 THE COURT: Any objection, Ms. Kaiser?

3 MS. KAISER: No, Your Honor.

4 THE COURT: All right. Let me read it for a
5 moment.

6 (Brief pause.)

7 THE COURT: All right.

8 MR. TRAGOS: If the Court will note in
9 paragraph two, the third sentence, "He declined my
10 suggestion of antidepressant medication, but did
11 receive 25 milligrams of alprazolam PRN from his
12 internist who treated his diabetes." That -- when
13 it's quoted in the presentence report, the rest of
14 that sentence is not in there, that he did receive
15 medication from another doctor, even though he
16 declined the medication given to him by this doctor.
17 I just want the Court to note that. It does not
18 affect the sentencing guidelines.

19 THE COURT: Would you like this particular
20 exhibit appended to the presentence report?

21 MR. TRAGOS: Your Honor, I believe -- and I
22 can ask the probation officer, but this is going to
23 be in a packet of his medical records given to the
24 Bureau of Prisons. Is that correct?

25 THE COURT: Well, that's a question you

1 probably should pose to me. Let me ask her.

2 MR. TRAGOS: Oh, okay.

3 THE COURT: But I assume that any medical
4 records relevant to the defendant should be
5 forwarded. Typically they are attached to the
6 presentence report. Probation just doesn't do that
7 on its own.

8 MR. TRAGOS: Okay. We have provided --

9 THE COURT: Do you have any objection to this,
10 is the question.

11 MR. TRAGOS: No, absolutely not. But I'm
12 concerned now, because we've provided quite a bit of
13 medical information to the probation officer. I'm
14 hoping it's attached.

15 THE COURT: I'll ask probation. What has been
16 attached or not, Ms. Stafford?

17 PROBATION OFFICER: At this point there's
18 nothing attached to the presentence report. The
19 medical records that I received are summarized in
20 the presentence report. But we'd be happy to attach
21 the full reports to the presentence report before
22 it's forwarded to the Bureau of Prisons.

23 THE COURT: Is that what you want, Mr. Tragos?

24 MR. TRAGOS: Yes, Your Honor.

25 THE COURT: Ms. Kaiser, do you have any

1 objection?

2 MS. KAISER: No objection, Your Honor.

3 THE COURT: All right. Well, that will be
4 fine. But that's not done unilaterally by counsel.
5 You know that, Mr. Tragos. Probation doesn't just
6 append to the presentence report whatever the
7 lawyers send them.

8 This report is important because of doctor --
9 I hope I'm pronouncing it correctly -- Zeichner,
10 Z-e-i-c-h-n-e-r, because it does address certain
11 mental health issues which I have been concerned
12 about, and it very well may be relevant to his
13 designation as well as his evaluation.

14 Now, the drug referred to by the doctor,
15 alprazolam, a-l-p-r-a-z-o-l-a-m, I'm not familiar
16 with, although I typically know the A-M endings of
17 these drugs. I don't want to speculate. Do we know
18 what it is?

19 MR. TRAGOS: Xanax.

20 THE COURT: So it's in the family, then?

21 MR. TRAGOS: Right.

22 THE COURT: All right. So the statement in
23 Paragraph 73 is actually accurate. But it will be
24 supplemented, then, by Dr. Zeichner's
25 correspondence of February the 7th, 2009, which I

1 will direct be appended to the report.

2 COURTROOM DEPUTY CLERK: Your Honor, what
3 number was that exhibit, please?

4 THE COURT: Exhibit 3.

5 COURTROOM DEPUTY CLERK: Thank you.

6 THE COURT: All right. Let's turn back, then,
7 to those aspects of the report which you believe may
8 impact on the guidelines.

9 MR. TRAGOS: Yes, Your Honor. Your Honor,
10 these deal with the broad issue of whether or not
11 the law enforcement officers, representing
12 themselves to be an adult, whether that can count
13 as -- in two ways; one, that he was going to entice
14 a child that was under 12 and, two, whether or not
15 we can have multiple counts come out of that because
16 we have two different scenarios.

17 The one with Detective Romanosky, he said he
18 had two children, and the probation officer is
19 counting that as two separate counts because there
20 are two children. And the third one is the
21 Port St. Lucie case with Detective Spector, and the
22 probation officer is counting that as a third count.

23 First, we would like to present to the Court,
24 if the Court will -- the sentencing guidelines under
25 2G1.3, which is the sentencing guideline we're here

1 on today, when it speaks of a minor, it speaks about
2 an undercover law enforcement officer who
3 represented to a participant that the officer had
4 not attained the age of 18 years.

5 In this case, we do not have an undercover law
6 enforcement officer who represented to
7 Dr. Friedlander that the officer, which would be
8 Detective Romanosky, had not attained the age of 18
9 years. The sentencing guidelines go specifically to
10 one, singular, the law enforcement officer as the
11 victim.

12 If we don't read it that way, then someone
13 could -- law enforcement could say, I run a school
14 for boys with 50 boys, all under 12, and there would
15 be 50 counts. And since this is a case that does
16 not require that you --

17 THE COURT: Are you talking about the specific
18 offense characteristic?

19 MR. TRAGOS: No, Your Honor. I'm talking
20 about the broad -- I'm grouping them -- I'm grouping
21 this -- if you look at paragraph four in the
22 addendum, the defendant objects to each victim as
23 representing a separate count because there were no
24 child victims in the case.

25 THE COURT: Well, I'm going to ask you to look

1 at the presentence report itself and go directly to
2 the applicable guidelines so that I understand
3 exactly what your objection is.

4 MR. TRAGOS: Okay.

5 THE COURT: You're proceeding under amendments
6 which are not yet in place. That's not appropriate.

7 MR. TRAGOS: No, Your Honor. Well, it would
8 be appropriate as a variance. But what I'm saying
9 to the Court is in this particular case, first,
10 we're raising the objection, although I know that I
11 believe the *Murrell* case answered this, but we're
12 raising the objection about an adult law enforcement
13 officer raising the issue of being as an adult
14 saying that they're the parent of the children,
15 whether or not you can commit this crime through an
16 adult.

17 Now, I know *Murrell* has answered that. But I
18 also raise the issue of whether or not you can do
19 multiple counts because he says he has two children,
20 because you're only dealing with one person. And
21 the sentencing guideline in the case, 2G1.3, when it
22 says you can use the law enforcement officer as a
23 victim only applies when that law enforcement
24 officer represents themselves to be under the age of
25 18. That's -- that's in the guideline. That's the

1 commentary to the guideline.

2 THE COURT: Well, all right.

3 MR. TRAGOS: Okay.

4 THE COURT: Then focus, then, help me out --

5 MR. TRAGOS: Okay.

6 THE COURT: Point to what commentary you are
7 referencing. I'm not questioning it. I just want
8 to follow you.

9 MR. TRAGOS: It is -- it is the commentary
10 under 2G1.3, definitions, which is paragraph one of
11 the application notes, under minor, the last
12 sentence, parens C, "an undercover law enforcement
13 officer who represented to a participant that the
14 officer had not attained the age of 18."

15 THE COURT: Well, you're skipping subparagraph
16 capital B. Does that not have some play in this?

17 MR. TRAGOS: Right. But what I'm talking
18 about is we're not talking about multiple -- the --
19 the probation officer scored this as multiples
20 because he said he had two children.

21 THE COURT: Correct.

22 MR. TRAGOS: What I'm saying is that the
23 guidelines were written singularly. The information
24 does not charge multiple victims, is not multiple
25 counts, and the jury did not find that there were

1 multiple victims or multiple counts in this case
2 because the issue is the inducement and that
3 inducement was through an individual.

4 And if you look at V, it says, "an individual,
5 whether fictitious or not, who a law enforcement
6 officer represented to a participant had attained
7 the age of 18 and could provide for the purpose
8 engaging in sexual" -- it's "an individual."

9 This crime does not -- unless they charge
10 separate counts and the jury found separate counts,
11 you cannot find that because the officer said there
12 were two kids, five kids or six kids that we have
13 six different charges.

14 THE COURT: So your argument is because the
15 undercover officer represented he had two young boys
16 who he was going to make available to the defendant
17 for whipping and oral sex, that probation -- and
18 under the guidelines, you can't consider those two
19 as two victims?

20 MR. TRAGOS: Correct.

21 THE COURT: What's your authority?

22 MR. TRAGOS: My authority, Your Honor, is that
23 if there were two victims in this case, the jury
24 would have had to find there were two victims,
25 that's number one, under *Booker* and *Fan Fan* and

1 *Apprendi*.

2 Number two, if there were two victims in this
3 case, they had to be charged to put the defendant on
4 notice that there were two victims in this case.

5 THE COURT: What's your authority for that
6 proposition?

7 MR. TRAGOS: *Apprendi*, Booker and *Fan Fan*, and
8 that the sentencing guidelines only talk about an
9 individual and the officer as the victim. If the
10 officer can be the victim, if he, as an undercover
11 officer, can be the victim, there's only one
12 officer. You can't manipulate the guidelines by
13 saying there are 50 children, 100 children, because
14 there's -- they're only dealing with one officer.

15 And whether it was -- and the fact that this
16 man -- that Dr. Friedlander may have believed there
17 were three, four or five officers, or five children,
18 they would have to prove that. But there weren't
19 five children, there weren't two children, there was
20 one officer, and this is an individual.

21 And because this crime doesn't require that
22 there are children or -- it doesn't even require
23 that he has -- wants to have sex with children, so
24 it doesn't matter how many children there were.

25 THE COURT: I understand your argument. I

1 want to know what your authority is.

2 MR. TRAGOS: And I've stated to the Court my
3 authority. Also, Your Honor, we would --

4 THE COURT: Do you have any case law that
5 interprets the guidelines in this scenario?

6 MR. TRAGOS: No, Your Honor. But I don't have
7 it the other way, either.

8 THE COURT: All right.

9 MR. TRAGOS: And, Your Honor, we also would
10 like to renew our objection, although, again, I know
11 what the ruling is going to be, but to make sure the
12 record is clear that you cannot commit this crime
13 while speaking to an adult and through the adult to
14 the children.

15 THE COURT: That was the subject of motions
16 and post-trial motions.

17 MR. TRAGOS: Yes.

18 THE COURT: This is a sentencing hearing,
19 Mr. Tragos. We're not going to relitigate this
20 matter.

21 MR. TRAGOS: Oh, I'm not going to relitigate
22 it, Your Honor. But I think it's appropriate to
23 renew it, because it's in the sentencing guidelines.

24 THE COURT: Ms. Kaiser, your response?

25 MS. KAISER: Yes, Your Honor. The United

1 States interprets and understands Mr. Tragos's
2 argument is really one of sentencing manipulations
3 by the United States regarding the number of
4 victims. Certainly, the sentencing guidelines
5 themselves do not have to say "minor also includes
6 plural if there's more than one child victim," which
7 is, you know, certainly the case that we have before
8 the Court.

9 There's no question that the jury heard proof
10 that the defendant traveled to have sex with both
11 children that were represented. So essentially,
12 Mr. Tragos's argument really stems and focuses on
13 sentencing manipulation.

14 I've got a number of cases that I've
15 researched for the Court and for counsel, which will
16 help determine whether or not that argument holds
17 any water, and I assert that it doesn't.

18 Essentially, the first case is *United States*
19 *versus John Andrew Docampo, Jr.*, which is an
20 Eleventh Circuit case from June 15th of this year,
21 of 2009. And in that case, the Eleventh Circuit
22 stated, "Sentencing factor manipulation occurs when
23 the government's manipulation of a sting operation,
24 even if insufficient to support a due process claim,
25 requires that the manipulation be folded out of the

1 sentencing calculus."

2 And it says, "Sentencing factor manipulation
3 focuses on the government's conduct. The defendant
4 must establish that the government's conduct is
5 sufficiently reprehensible, and this standard is
6 high. To bring sting operations within the ambit of
7 sentencing factor manipulation, the government must
8 engage in extraordinary misconduct."

9 And it says, "We have not yet recognized a
10 defense of sentencing factor manipulation or
11 permitted its application to a defendant's sentence,
12 and we do not do so in this appeal."

13 And that's the first case. So, first, the
14 Eleventh Circuit has never recognized sentencing
15 manipulation. And, certainly, there's no evidence
16 or suggestion in this case that law enforcement did
17 anything inappropriate. I've got a copy of that
18 case for the court as well as counsel.

19 The next case, which is even more on point, is
20 *United States of America versus Bohannon*,
21 B-o-h-a-n-n-o-n, 476 F.3d 1246. That was actually a
22 2422 case in which the defendant simply used the
23 internet to entice a minor for sex. The defendant
24 in that case argued that it was unfair because the
25 undercover officer had represented the child's age

1 as being 15 years old. And the defendant in that
2 case argued that somehow that was sentencing
3 manipulation and he shouldn't be held accountable
4 because the government has picked the age of the
5 child in the undercover operation.

6 In that case, the Eleventh Circuit said,
7 "We're likewise unpersuaded by *Bohannon's* argument
8 that the district court erred by enhancing his
9 offense level pursuant to USSG Section 2G2.1(b)(1),
10 because the undercover officer represented Dana's
11 age as 15 years old."

12 It says, "More specifically, *Bohannon*," the
13 defendant, "asserts that the undercover officer
14 selected the victim's age in the context of a sting
15 operation. The enhancement, based on the age of the
16 victim, constituted impermissible sentencing
17 manipulation."

18 The Eleventh Circuit, quoting *United States*
19 *versus Williams* at 456 F.3d 1353, Eleventh Circuit
20 2006 stated, "A sentencing factor manipulation claim
21 requires us to consider whether the manipulation
22 inherent in a sting operation, even if
23 insufficiently oppressive to support an entrapment
24 defense or due process claim must sometimes be
25 folded out of the sentencing calculus. A sentencing

1 factor manipulation claim alleges that a defendant,
2 although predisposed to commit a minor or lesser
3 offense, is entrapped into committing a greater
4 offense subject to a greater punishment."

5 And the court quoted *United States versus*
6 *Sanchez*, or referenced it and said, "rejecting such
7 a claim where the government arranged a reverse
8 sting operation in which the defendants agreed to
9 participate in the theft of a large amount of drugs
10 from a home. In observing that, the fact that the
11 government's fictitious reverse sting operation
12 involved a large quantity of drugs does not amount
13 to the type of manipulative government conduct
14 warranting a downward departure in sentencing."

15 And the court goes on and says, "Pursuant to
16 U.S. Sentencing Guidelines 2G2.1(b)(1), there's a
17 two-level increase to the base offense level if the
18 offense involved a minor who was at least 12 but not
19 yet 16 years old." The court said, "In this case,
20 the victim was an undercover agent posing as a
21 15-year-old girl in an online chat room. The
22 commentary to 2G1.3 expressly defines the term
23 'minor,' as including an undercover law enforcement
24 officer who represented to a participant that the
25 officer had not attained the age of 18 years. The

1 evidence shows that *Bohannon* believed he was
2 interacting with a 15-year-old girl and knew the
3 consequences of engaging in sexual activity with a
4 minor of this age, as he stated numerous times that
5 he would have to be careful not to get caught, given
6 the stiff penalties he faced due to 'Dana's age.'
7 Moreover, the computer also revealed numerous
8 seductive pictures of others."

9 But the court goes on to say, "Simply put,
10 under these circumstances, the government's conduct
11 in choosing an age for Dana was no more manipulative
12 than in any other sting operation, and the district
13 court correctly applied the two-level increase for
14 the fictitious victim's age." So --

15 THE COURT: What's the year of that decision?

16 MS. KAISER: That is 2007. It's 476 F.3d
17 1246. And I have a copy for the Court.

18 THE COURT: Is there any discussion of
19 *Apprendi* in there?

20 MS. KAISER: No, Your Honor. Mr. Tragos just
21 references *Apprendi*, but the jury is not required to
22 find every specific sentencing enhancement. What
23 the jury is required to find is the elements for the
24 offense. And so *Apprendi* doesn't apply in this
25 case. This is just a specific offense

1 characteristic. This is not something that
2 increases the minimum mandatory.

3 There's also the case of *United States versus*
4 *Ciszkowski*, in which the Eleventh Circuit stated
5 that it didn't even recognize any sort of defense of
6 sentencing entrapment. But if Mr. Tragos's
7 argument, first, is that you can't score for more
8 than one minor because the sentencing guidelines
9 were written in the singular, well, first, the
10 government thinks that that's just not accurate.

11 They don't specifically say you only -- you
12 only count -- you only ever count one minor. If
13 there's five, that wouldn't make any sense. It's
14 obviously just written in the singular. But the
15 court correctly pointed out earlier that Mr. Tragos
16 didn't read subsection (b), which says, "minor means
17 either, A, an individual who had not attained the
18 age of 18 years or, B, an individual, whether
19 fictitious or not, who a law enforcement officer
20 represented to a participant had not attained the
21 age of 18 years, and could be provided for the
22 purposes of engaging in sexually explicit conduct."

23 So certainly in this case, the defendant
24 discussed in detail wanting to engage in sexual
25 activities with both children with Corporal

1 Romanosky, and discussed tying the children, each of
2 the children up, mentioned having sex -- oral sex
3 with both boys.

4 So it makes no sense not to score him for the
5 number of victims that he claimed that he wanted to
6 physically and sexually abuse. If the Court needs
7 any -- or further case law about the sentencing
8 issue, which I think is Mr. Tragos's real argument,
9 I have additional cases, as well.

10 THE COURT: Well, on -- for what proposition?

11 MS. KAISER: For the proposition that there is
12 no break to the defendant because law enforcement
13 came up with a sting operation that involved two
14 children rather than one.

15 THE COURT: You mean along the lines of
16 *Bohannon* and *Docampo*?

17 MS. KAISER: Yes, Your Honor.

18 THE COURT: All right. I don't need any
19 additional cases. What year was *Docampo*?

20 MS. KAISER: 2009. It was June 15th, 2009,
21 Your Honor.

22 THE COURT: All right. Let me see copies of
23 *Docampo* and *Bohannon*, please.

24 PROBATION OFFICER: Your Honor, may I point
25 out something?

1 THE COURT: Not right now.

2 MS. KAISER: Additionally, Your Honor,
3 under --

4 THE COURT: Just a moment. Let me take a look
5 at these cases.

6 MS. KAISER: Yes, Your Honor.

7 (Brief pause.)

8 THE COURT: Looks like you gave me two copies
9 of *Bohannon*. Maybe that was your copy. I'm looking
10 at *Docampo*. It's stapled together out of order, so
11 what page? It's a 40-something-page opinion. Can
12 you point me to the discussion pertinent to the --

13 MS. KAISER: Page 14, Your Honor. Starting
14 on -- Page 13 starts the sentencing factor.

15 THE COURT: All right. Thank you. Give me a
16 second.

17 (Brief pause.)

18 THE COURT: Ms. Kaiser, go ahead.

19 MS. KAISER: I was also just going to point
20 out, Your Honor, under 2G2.1, if you look above
21 where we had just been reading under the commentary
22 for minors, it says, the special instruction, if the
23 offense involved multiple -- "involved exploitation
24 of more than one minor, Chapter Three, Part D,
25 multiple counts shall be applied as if the

1 exploitation of each minor had been contained in the
2 separate count of conviction." So the guidelines
3 clearly encompass scoring the actual number of
4 victims in a case, and not just limiting it to one.

5 THE COURT: All right. Thank you.

6 Mr. Tragos, your response?

7 MS. KAISER: Your Honor, I think it was 2G --
8 to correct the record, I misspoke. I think it's
9 2G1.3(d)(1), where it says, "If the offense involved
10 more than one minor, Chapter Three, Part D, multiple
11 counts shall be applied as if the persuasion,
12 enticement, coercion, travel or transportation to
13 engage in a commercial sex act or prohibited sexual
14 conduct of each victim had been contained in the
15 separate count of conviction."

16 I was reading from the wrong guideline, but
17 it's the same -- essentially the same result. But
18 it directs that if there's more than one minor
19 involved, to use the Chapter Three, Part D multiple
20 count exercise. And that's a reference to
21 2G1.3(d)(1), which is listed as a special
22 instruction on Page 203 of the guidelines.

23 THE COURT: All right. Thank you.

24 Mr. Tragos, your response.

25 MR. TRAGOS: Yes, Your Honor. First -- and if

1 the court wanted to hear a response from the
2 government, we still have not dealt with the Port
3 St. Lucie issue, which is a different issue.

4 But with regards to just Romanosky, the only
5 person that was spoken to -- he was not dealing or
6 talking to two minors that he thought were under the
7 age of 18. He was not talking to minors. He talked
8 to one person, Detective Romanosky, and that's the
9 only individual.

10 And if you look -- and the reason that we
11 cited the -- the guideline amendment, that, I
12 realize, is an amendment to another guideline, is to
13 show that the -- when a law enforcement officer is
14 involved, that you don't score it directly as a
15 minor; otherwise, you would have law enforcement
16 officers having the -- the wording, I believe in
17 the -- the amendment I don't have, but otherwise it
18 would just be impractical or just impossible to
19 score this when a law enforcement officer is
20 representing themselves to be an adult but you're
21 using them as a minor.

22 You score them as a victim because the
23 guidelines say you do, but not -- the law
24 enforcement officer cannot be a multiple victim.

25 THE COURT: Well, those are not the facts in

1 this case, as you know. This undercover agent
2 represented that he had two sons. He didn't
3 represent himself to be a child.

4 MR. TRAGOS: But that's exactly why this --
5 this instruction or the court has ruled that it
6 doesn't matter if he's intending to have sex with
7 the children. It's just the matter of the
8 conversation, his intent to induce. And that can be
9 done through an individual, this court has ruled,
10 even over our objection, with regards to a law
11 enforcement officer being an adult or being a
12 parent. So that's why this can only be one.

13 Can I move on to Port St. Lucie, Your Honor?

14 THE COURT: No. Let's get this resolved
15 first.

16 MR. TRAGOS: Okay.

17 THE COURT: All right. You are not an
18 advocate, Ms. Stafford, but you can assist the court
19 and the parties by your evaluation of the sentencing
20 guidelines. What did you want to add?

21 PROBATION OFFICER: Well, what is -- actually
22 Ms. Kaiser brought up --

23 THE COURT: The grouping?

24 PROBATION OFFICER: Yes. I just wanted to
25 point out that it also says -- part of the special

1 instruction was that, but if the relevant conduct of
2 an offense of conviction includes travel or
3 transportation to engage in a commercial sex act, or
4 prohibited sexual conduct with respect to more than
5 one minor, whether specifically cited --

6 COURT REPORTER: Please slow down,
7 Ms. Stafford.

8 PROBATION OFFICER: Oh, I'm sorry. "If the
9 relevant conduct of an offense of conviction
10 includes travel or transportation to engage in a
11 commercial sex act or prohibited sexual conduct with
12 respect to more than one minor, whether specifically
13 cited in a count of conviction, each such minor
14 shall be treated as if it's a separate count of
15 conviction."

16 So the probation office didn't manipulate the
17 guidelines. The guidelines specifically instruct us
18 to count each minor as a separate count of
19 conviction, and that they also instruct those counts
20 are not to be grouped -- a grouping exercise for
21 those counts.

22 THE COURT: All right. Thank you.

23 PROBATION OFFICER: It also brings up that if
24 the offense involved more than 10 minors, an upward
25 departure would be warranted when that was --

1 Mr. Tragos pointed out if somebody said they were
2 the headmaster of a school of boys.

3 THE COURT: The relevant conduct for which
4 this defendant was convicted includes the undercover
5 officer's representation that he had two
6 preadolescent sons who he would make available for
7 the defendant to abuse and engage in inappropriate
8 and prohibited sexual conduct.

9 Under Section 2G1.3(d), if the offense
10 involved more than one minor, which it does in this
11 case, the court is referred to Chapter Three, which
12 shall be applied as if the relevant conduct, that
13 is, the persuasion, enticement, coercion, travel or
14 transportation to engage in prohibited sexual
15 conduct of each victim had been contained in a
16 separate count of conviction.

17 So the guidelines expressly contemplate,
18 contrary to the defendant's argument, multiple
19 victims, even though they're not separate counts for
20 each victim.

21 The two boys in this particular case fall
22 within the definition of minor under application
23 note one, Section 2G1.3. A minor is defined under
24 that application note, subsection capital B, as "an
25 individual, whether fictitious or not, who a law

1 enforcement officer represented to a participant had
2 not attained the age of 18 and could be provided for
3 the purposes of engaging in sexually explicit
4 conduct."

5 The plain language of this guideline special
6 instruction and the application note, including the
7 definition of minor, results in a consideration of
8 each of these two young boys as a victim. Probation
9 has correctly applied the guidelines in this regard.
10 And, therefore, with respect to the two boys, the
11 defendant's objection to considering them as two
12 victims is overruled.

13 There is no *Apprendi* issue. This does not
14 involve an element of the charged offense. It
15 involves a sentencing enhancement under a
16 discretionary guidelines system, so the objection
17 under *Apprendi* is overruled.

18 This is clearly not a case of sentencing
19 manipulation. There's no extraordinary misconduct
20 on the part of the undercover detective in this
21 case, as *United States versus Docampo* discusses at
22 Page 14, that is a June 15th, 2009 decision,
23 Eleventh Circuit Number 08-10698. By analogy, the
24 *Bohannon* decision at 476 F.3d 1246, specifically at
25 Page 1252, confirms that the defendant's objection

1 should be rejected.

2 Where the undercover agent simply presents the
3 alleged child victim to the defendant, whether it be
4 age 15 or whether there were two boys, these are
5 simply representations made to the willing defendant
6 in this case who believed he would be interacting
7 with two preadolescent boys.

8 And as that court noted, the government's
9 conduct in choosing the age of the victim is no
10 different than representing, in this case, that
11 there were two boys as opposed to one. And it's no
12 more manipulative than any other sting operation.
13 Therefore, the manner in which the guidelines have
14 been applied by probation with respect to these two
15 boys was proper.

16 I think that takes care of the objection to
17 paragraph 24. You have an objection with respect to
18 the third victim, which begins at page 39. This is
19 the Port St. Lucie chat with the undercover officer.

20 MR. TRAGOS: I think the Court may have
21 already said this, but just to make sure the record
22 is clear, the Court has overruled our objection to
23 having the -- the fact that the defendant dealt with
24 an adult as opposed to a child directly in this, the
25 Court already overruled that, I believe; correct?

1 THE COURT: Well, I'm not in the custom of
2 answering counsel's questions. I said what I said.

3 MR. TRAGOS: Well, I'm raising that objection,
4 as well, Your Honor.

5 THE COURT: Under what authority?

6 MR. TRAGOS: Your Honor, I have no authority.
7 The *Murrell* case --

8 THE COURT: You're raising an objection that
9 *Murrell* has explicitly addressed and rejected; are
10 you not?

11 MR. TRAGOS: Yes, Your Honor.

12 THE COURT: The objection is overruled.

13 MR. TRAGOS: All right. Then, Your Honor,
14 with regards to Port St. Lucie, Detective Spector,
15 there are two issues here. Number one, an issue of
16 whether or not that was a crime and was relevant
17 conduct to be a crime as scored as a separate count.

18 With regards to the Port St. Lucie, it is
19 required that the prosecutor must present evidence
20 of objective overt acts that would allow a
21 reasonable jury to find that the defendant had taken
22 a substantial step toward persuading, inducing,
23 enticing or coercing a minor to engage in illegal
24 sexual conduct.

25 A substantial step must be something more than

1 mere preparation. It must be a necessary
2 consummation of the crime, be of a nature that a
3 reasonable observer, viewing it in the context, can
4 conclude beyond a reasonable doubt that it was
5 undertaken in accordance with the design to violate
6 the statute.

7 In this case, all we have is conversation.
8 And the mere fact of having conversation has been
9 raised as to whether or not that is or is not a
10 crime in --

11 THE COURT: Isn't your argument --

12 MR. TRAGOS: Yes.

13 THE COURT: -- really that this was not part
14 of the charged offense?

15 MR. TRAGOS: Well, it's not part of the
16 charged offense and, secondly, it is not an offense.
17 What happened in Port St. Lucie is not an offense.
18 There was no substantial step. There was no overt
19 act. It was merely conversation. And the courts
20 have questioned whether mere conversation can be a
21 violation of this statute.

22 THE COURT: You then alternatively or in
23 addition contend that it's not part of the relevant
24 conduct under 1B1.3?

25 MR. TRAGOS: Yes, Your Honor.

1 THE COURT: Any cases you'd like me to
2 consider before I give Ms. Kaiser a chance
3 to respond?

4 MR. TRAGOS: Your Honor, I believe they're
5 detailed in the memorandum that was supplied to the
6 Court. Give me one second. *United States versus*
7 *Owen*, 228 F.3d 637.

8 THE COURT: What page are you on in your
9 memorandum?

10 MR. TRAGOS: I thought that was in the
11 memorandum, Your Honor, either that or one of the
12 motions. Hold on one second, please, Your Honor,
13 give me a moment.

14 (Brief pause.)

15 MR. TRAGOS: Your Honor, that was not in the
16 memorandum. That was in the -- may I approach, Your
17 Honor?

18 THE COURT: Approach for what?

19 MR. TRAGOS: To provide you with a copy of the
20 case.

21 THE COURT: All right. It's not cited,
22 though?

23 MR. TRAGOS: No, it is not cited.

24 THE COURT: All right. Does Ms. Kaiser have a
25 copy?

1 MR. TRAGOS: That's the only copy that I have.

2 THE COURT: This has to do with a substantial
3 step discussion?

4 MR. TRAGOS: Yes, sir.

5 THE COURT: And it's a Sixth Circuit case.
6 Hand that to Ms. Kaiser. Let her take a look at
7 that, please. Thank you.

8 COURTROOM SECURITY OFFICER: Yes, sir.

9 THE COURT: So just to distill this down to
10 what we have is conduct on the part of the defendant
11 that was not charged or presented to the jury, which
12 probation has recommended to be considered as part
13 of the relevant conduct; correct?

14 MR. TRAGOS: Yes.

15 THE COURT: And you object to that on the
16 basis that, number one, it wasn't a crime; number
17 two, it's not part of the relevant conduct --

18 MR. TRAGOS: Right.

19 THE COURT: -- for the charged offense?

20 MR. TRAGOS: Right. That exact language, Your
21 Honor, is in the *Murrell* case, as well, from the
22 Eleventh Circuit, that there must be a substantial
23 step toward the commission of the offense.

24 THE COURT: All right. Ms. Kaiser, your
25 response?

1 MS. KAISER: Your Honor, in this case, the
2 defendant actually did take a substantial step. The
3 Court may recall the testimony of Neil Spector at
4 the first trial of this defendant. But the
5 defendant in this case actually had sent his picture
6 which he specifically asked Detective Spector,
7 believing he was the father of this 11-year-old
8 little girl, asked him to show the child the
9 defendant's picture.

10 So the defendant sent his picture. I've got a
11 copy of that picture that the defendant had sent to
12 Detective Spector, believing he was the father, on
13 Wednesday, February 20th of 2008. It's marked as
14 Government's Exhibit 3 to the sentencing, and I've
15 got a copy for counsel, as well.

16 So the defendant in this case went beyond
17 merely chatting, and took affirmative steps to try
18 to convince Detective Spector, who, as we know, was
19 posing as the father of the little girl, to allow
20 him to have a -- allow the defendant to have sexual
21 relations with his young daughter.

22 So he repeatedly in his chats with
23 Detective Spector asked him, did you show the child
24 my picture? Also, the defendant engaged in phone
25 conversations with Detective Spector in which he

1 also discussed wanting to engage in sex with the
2 child, and they were very explicit conversations
3 about sexual intercourse with the little girl,
4 whether or not the child could accommodate the
5 defendant's large sexual appendage and
6 what-have-you.

7 So the defendant did much more than just
8 communicating online -- than just communicating with
9 the detective online. He actually took a number of
10 substantial steps to try to make that meeting take
11 place.

12 In terms of the timing, certainly it is
13 relevant conduct under 1B1.3. The defendant
14 initially spoke to Corporal Romanosky, as we know,
15 back in July and August of 2005. And then Corporal
16 Romanosky began speaking to the defendant online
17 again between June -- beginning on or about June
18 16th of 2008 up until July 21st, 2008, when the
19 defendant was arrested.

20 Detective Spector was talking to the defendant
21 at the same exact time. Detective Spector was
22 chatting online with the defendant from
23 approximately February 12th of 2008 to June 25th,
24 2008. And I believe the testimony was that Corporal
25 Romanosky and Detective Spector talked to each other

1 at a training session and realized they were both
2 working the same undercover operation involving the
3 same defendant -- working separate investigations,
4 excuse me, separate investigations involving the
5 same defendant. And Detective Spector ceased in his
6 investigation because Corporal Romanosky was already
7 engaged in his investigation.

8 So, certainly, the timing of this defendant's
9 conduct is relevant and should be scored and is
10 appropriately scored by probation under 1B1.3.

11 Thank you.

12 THE COURT: Under what subsection are you
13 relying?

14 MS. KAISER: 1B1.3(a)(2), all acts and
15 omissions committed, aided, abetted, counseled,
16 commanded, induced, procured or wilfully caused by
17 the defendant. So the government's position would
18 be that that as well as all harms that resulted in
19 the acts and omissions specified in subsections
20 (a)(1) and (a)(2), and all harm that was the object
21 of such acts and omissions under 1B1.3(a)(3) and
22 (a)(4), as well.

23 And, actually, (a)(2) applies. The only
24 subsection that apparently doesn't apply is the ones
25 that were talking -- address joint undertaken

1 criminal activity. But it appears that 1B1.3
2 applies and addresses all harms caused by this
3 defendant. And, certainly, taking a number of
4 substantial steps to have sex with a little girl
5 would qualify under any of these subsections, with
6 the exception of (a)(1)(B), which addresses
7 conspiracies.

8 The guidelines address the -- under relevant
9 conduct, all the harm that resulted from his acts
10 and omissions and all the harm that was the object
11 of it should be counted. Certainly, if he had
12 succeeded in meeting with Neil Spector, he would
13 have had a similar case, he would have been arrested
14 for that, as well.

15 I'd also like to address the defendant's
16 opinion when you're finished reading it, if I may.

17 THE COURT: All right. Give me a moment,
18 please.

19 (Brief pause.)

20 THE COURT: What is your best authority,
21 Ms. Kaiser, for including the uncharged conduct,
22 assuming that it constituted a violation of 2422 in
23 the calculation of the guidelines? And I know
24 there's case law historically that has approved of
25 considering conduct for which a defendant is

1 acquitted. We're now dealing with conduct for which
2 he's never been charged.

3 MS. KAISER: The language of 1B1.3 does not
4 address conduct for which a defendant's been
5 convicted. It just says conduct. And in this
6 case --

7 THE COURT: Well, it says conduct that
8 occurred during the commission of the offense of
9 conviction.

10 MS. KAISER: Correct. And that's why the
11 dates are important as to when this defendant
12 was chatting --

13 THE COURT: So if a defendant robs two banks
14 and the government finds out he robbed a third in
15 between the other two, that can be considered as
16 relevant conduct?

17 MS. KAISER: Yes. Yes, it can, and it has.
18 And I've had that situation come up. I've had
19 defendants who've only entered a plea to one or two
20 bank robberies but are scored for all the bank
21 robberies.

22 So the guidelines direct that all the criminal
23 conduct be taken into consideration and scored.
24 I've had that situation come up.

25 THE COURT: Well, looking specifically, excuse

1 me, at 1B1.3(a)(2), that provision references solely
2 with respect to offenses of a character for which
3 3D1.2(d) would require grouping. We don't have that
4 situation here; do we? We have a grouping under
5 3D1.4, and perhaps there's not a distinction between
6 the two. 3D1.2 references groups of closely related
7 counts. Clearly, the plain language of that
8 provision contemplates a count in an information or
9 indictment.

10 MS. KAISER: Correct. But subsection three
11 does not speak with respect to the counts. It just
12 talks about all harm.

13 THE COURT: Well -- and that's my point. I'm
14 trying to narrow this down to those provisions which
15 may be applicable. It seems to me that a plain
16 reading of subsection (a)(2) does not apply, since
17 this is not a grouping under 3D1.2(d).

18 MS. KAISER: Yes.

19 THE COURT: So you're relying on a more
20 generalized description of harm or conduct by this
21 defendant, although it was not charged in a separate
22 count?

23 MS. KAISER: Correct.

24 THE COURT: No particular cases on point, that
25 you're aware of?

1 MS. KAISER: No, Your Honor.

2 THE COURT: Mr. Tragos, your response.

3 MR. TRAGOS: Your Honor, I would like to read
4 a portion of the *Murrell* case which cites the *Bailey*
5 case from the Sixth Circuit. And what it says is,
6 of course, we need a substantial step strongly
7 corroborating the defendant's intent. But the key
8 phrase is, we need not reach the question whether
9 communication via a means of interstate commerce
10 without more is sufficient to sustain a conviction
11 for attempt under 22 -- excuse me -- under 2422.
12 There is a question. You can just --

13 THE COURT: Well, finish, because *Murrell*
14 engaged in objective --

15 MR. TRAGOS: Right.

16 THE COURT: -- acts in addition to his
17 communications with Detective Spector.

18 MR. TRAGOS: Right. And in this case, we
19 don't have that with regards to Spector.

20 THE COURT: You don't think the sending of the
21 photograph --

22 MR. TRAGOS: No.

23 THE COURT: -- is an objective act in addition
24 to his chats, telephone conversations?

25 MR. TRAGOS: If you look at -- if you look at

1 *Bailey* and *Murrell* and what they interpret to be
2 substantial acts, you know, sending a picture over
3 interstate -- over a means of communication,
4 interstate means of communication, sending a mere
5 picture, a clothed picture, nothing lewd or anything
6 wrong with the picture, that is not something that
7 is a substantial step toward completing the crime.

8 THE COURT: I don't know. If the defendant
9 sends a picture of himself to an undercover
10 detective, a picture which would clearly enable the
11 undercover detective to identify him, including a
12 partial tag and perhaps even the make and model of
13 the vehicle, you don't think that's a substantial
14 step?

15 MR. TRAGOS: The officer asked for that
16 information.

17 THE COURT: What difference does that make?

18 MR. TRAGOS: Well, certainly, because he
19 didn't send it voluntarily on his own in order to
20 pursue the crime. The officer says -- the officer
21 asked for him to send him a picture.

22 No. I don't think it's a substantial step
23 because there was never a meeting, there was never
24 even a -- they didn't arrange for a meeting.
25 They -- every time they tried to arrange for a

1 meeting, the defendant -- it, you know, always fell
2 through because there was no meeting. There was no
3 step. They didn't actually do anything. It wasn't
4 like the crime that we have charged here today that
5 he was convicted of where we have this substantial
6 step.

7 Plus, looking back in -- on Spector, it was a
8 girl, not a boy. There was no whipping or violence
9 in Spector's case whatsoever. There were no belts,
10 there was no pain, there was no punishment, as
11 alleged in this case.

12 THE COURT: There was improper sexual conduct
13 discussed, however; was there not?

14 MR. TRAGOS: Yes.

15 THE COURT: Well, this particular victim, if
16 you will, as described by probation was, number one,
17 not charged in the indictment. Therefore, this is
18 not a separate count that we're talking about, but
19 uncharged conduct that was not presented to the jury
20 the second -- during the second trial.

21 During the first trial, there was some
22 evidence. Detective Spector testified, as I recall,
23 described the incident. I disallowed any reference
24 to the mental condition of the child, but, clearly,
25 there was evidence presented in rebuttal to the

1 defendant's testimony confirming that he engaged in
2 the conduct that is described in the presentence
3 report with respect to this Port St. Lucie
4 undercover detective.

5 I have to acknowledge that I have some
6 concerns about including relevant conduct behavior
7 on the part of a defendant which has not been proven
8 beyond a reasonable doubt, particularly if it
9 involves a separate, uncharged offense. There very
10 well could be substantial due process issues in that
11 regard; although, historically, the use of acquitted
12 conduct has been approved by the courts.

13 The cases that have been cited to me this
14 morning do not address specifically whether
15 uncharged conduct can be included in the
16 determination of the appropriate guidelines.
17 *Murrell* says what it says. It didn't reach that
18 question, if, in fact, the defendant in the
19 Port St. Lucie matter did not engage in an objective
20 act or took a substantial step.

21 I'm going to go ahead and make some findings
22 and determinations. It would be easier, Ms. Kaiser,
23 just to sustain the objection. I don't think as a
24 practical matter it's going to make any difference.
25 It does impact the guidelines, but overall under

1 3553(a), I certainly can consider it.

2 So we are talking strictly about the proper
3 application of the United States Sentencing
4 Guidelines. And the question is whether this
5 uncharged conduct with respect to the undercover
6 detective in Port St. Lucie should be considered and
7 grouped as relevant conduct with the two young boys.

8 That takes us, then, to the basic definition
9 of what constitutes relevant conduct under 1B1.3.
10 Relevant conduct is determined on the basis of, in
11 this particular instance, under (a)(1)(A), "all acts
12 and omissions committed by the defendant that
13 occurred during the commission of the offense of
14 conviction in preparation for that offense or in the
15 course of attempting to avoid detection or
16 responsibility for that offense."

17 An argument could be made that, because this
18 particular conduct did not relate to the offense of
19 conviction, it should not be considered. But this
20 conduct with respect to Port St. Lucie occurred
21 during the commission of the offense of conviction.
22 The time frames described by Ms. Kaiser essentially
23 overlap the defendant's discussion with
24 Detective Spector, occurred between February and
25 June of -- the end of June of 2008, and his

1 discussions with Detective Romanosky occurred in
2 that May, June, July timeframe of the same year.

3 Therefore, it does fall within the description
4 of conduct that occurred during the commission of
5 the offense of conviction. Likewise, it is
6 considered within subsection (a)(3) to be, quote,
7 "all harm that results from the act and omissions
8 specified in subsection (a)(1) and all harm that was
9 the object of such acts and omissions."

10 It is, therefore, relevant conduct, properly
11 considered and properly grouped under 3D1.4. This
12 determination has significance to the application of
13 the guidelines because if this conduct was not
14 considered, there would only be a two-level
15 adjustment under 3D1.4. But because this would be a
16 third unit, there is a three-level adjustment under
17 3D1.4. That is the relevant impact of considering
18 this conduct with respect to the guidelines.

19 I do find, based on the testimony that was
20 presented to the jury in the first trial over which
21 I presided, that the defendant did take a
22 substantial step and commit an objective act in
23 addition to his internet and telephone
24 communications with Detective Spector. The sending
25 of that photograph, which plainly depicts the

1 defendant, a partial automobile tag and a vehicle,
2 in my mind, constitutes a substantial step because
3 he could, thereby, be identified, and it certainly
4 is and was intended to allow the undercover
5 detective to familiarize the defendant with his
6 young daughter. And as I recall, there was specific
7 discussion about putting the daughter at ease so
8 that she would be familiar with the defendant. Am I
9 correct, Ms. Kaiser? By looking at a picture of
10 him, in other words?

11 MS. KAISER: I believe so. I believe you're
12 correct, Your Honor.

13 THE COURT: I'm certainly paraphrasing, but
14 that is my recollection. So the objections are
15 overruled. If I am in error in considering this
16 third victim, then, the difference in the guidelines
17 would be that one level enhancement under 3D1.4.

18 I don't know if it would do any good,
19 Ms. Stafford, but if you'll make a note and
20 calculate the guidelines without that additional
21 level, and that way I can have the record very
22 clear.

23 PROBATION OFFICER: I have that.

24 THE COURT: All right. When I get to that
25 point, we'll recite them as an alternative.

1 Mr. Tragos, does that address all of the
2 objections that could implicate the guidelines?

3 MR. TRAGOS: Yes, Your Honor. Just to be
4 specific, the Court is then --

5 THE COURT: I've done what I've done.

6 MR. TRAGOS: Well --

7 THE COURT: I want to move on. Now, what
8 other objections do you have?

9 MR. TRAGOS: That was paragraph five, Your
10 Honor. And I just wanted to make it clear that five
11 was the one that we were considering. The -- I have
12 no other objections.

13 THE COURT: You mean paragraph five in the
14 addendum?

15 MR. TRAGOS: Yes, Your Honor.

16 THE COURT: Yes, sir.

17 MR. TRAGOS: I just want to make sure the
18 record will reflect that.

19 THE COURT: I think that addressed all of the
20 enumerated objections in the addendum, one through
21 seven; correct?

22 MR. TRAGOS: Your Honor, since the Court
23 considered the testimony of Detective Spector in
24 that decision, would the Court order that that
25 testimony be made part of the record?

1 THE COURT: No. You can transcribe it and
2 make it a part of the record, if you choose.

3 MR. TRAGOS: Okay.

4 THE COURT: As far as I'm concerned, it's part
5 of the record. There was a transcription -- I don't
6 know if it's transcribed, but it was testimony
7 before the Court, it can be transcribed.

8 Are there any other objections to the
9 application of the advisory guidelines?

10 MR. TRAGOS: No, Your Honor.

11 THE COURT: Let me, then, based on the jury's
12 verdict, the undisputed facts and those facts that I
13 have resolved here today, determine the advisory
14 guidelines as follows: We have an offense level of
15 41, criminal history category Roman Numeral I, that
16 results in an advisory range of 324 months to 405
17 months in prison, supervised release of five years
18 to life, a fine range of \$25,000 to \$250,000 and a
19 100-dollar special assessment.

20 I would also, alternatively, make a finding
21 that, if the Port St. Lucie conduct is not
22 considered to be relevant conduct, we would then
23 have a total offense level of 40?

24 PROBATION OFFICER: Yes, Your Honor.

25 THE COURT: Criminal history category Roman

1 Numeral I, which would result in a guideline range
2 of 292 to 365 months; supervised release would
3 remain the same, five years to life?

4 PROBATION OFFICER: Yes, Your Honor.

5 THE COURT: Does the fine range change?

6 PROBATION OFFICER: No. It stays the same.

7 THE COURT: Twenty-five thousand to 250,000,
8 and then a one-hundred dollar special assessment.
9 So the record is very clear that the alternative
10 application of the advisory guidelines is simply a
11 recitation of offense level 40 as opposed to 41.

12 All right. Under Section 3553 (a),
13 Mr. Tragos, the Court can consider, in addition to
14 the advisory guidelines, the enumerated sentencing
15 factors. Now would be the appropriate time to
16 address those as well as any matters in mitigation.

17 MR. TRAGOS: Okay. Your Honor, if the Court
18 please, I would make a request -- has the Court
19 ruled on the motion for new trial?

20 THE COURT: I'm certain that I did.

21 Ms. Kaiser?

22 MS. KAISER: I thought the Court did.

23 THE COURT: April 20th, order denying motion
24 for new trial. April 29th, order denying renewed
25 motion for judgment of acquittal. Those are Dockets

1 276 and 278.

2 MR. TRAGOS: Okay.

3 THE COURT: Yes, sir.

4 MR. TRAGOS: Okay. Your Honor, we would at
5 this time present certain matters in mitigation to
6 the Court.

7 THE COURT: Specifically, what do you intend
8 to present?

9 MR. TRAGOS: Your Honor, we have Exhibit 2.

10 THE COURT: All right. Letter from
11 Dr. Berlin?

12 MR. TRAGOS: Yes, sir.

13 THE COURT: Any objection, Ms. Kaiser?

14 MS. KAISER: No, Your Honor.

15 THE COURT: All right.

16 MR. TRAGOS: The Court has seen this.

17 THE COURT: Yes, sir. Let me just review it
18 to refresh my memory.

19 MR. TRAGOS: Okay.

20 THE COURT: It's been awhile since I read
21 this. This is the November 9th, 2008 correspondence
22 to Mr. Tragos by Dr. Berlin.

23 (Brief pause.)

24 MR. TRAGOS: I apologize for interrupting the
25 Court. Could the defendant use the facilities while

1 the Court is reading that?

2 THE COURT: All right. I'll ask the deputy to
3 assist the defendant.

4 (Brief pause.)

5 THE COURT: All right. Let the record reflect
6 Dr. Friedlander is back in the courtroom. All
7 right. Go ahead, Mr. Tragos.

8 MR. TRAGOS: Your Honor, we would like to make
9 some presentations to the Court in addition to
10 Dr. Berlin's letter. I would like to have
11 Mr. Singer speak to the Court.

12 THE COURT: All right. I'm going to ask you,
13 how many witnesses do you expect to present?

14 MR. TRAGOS: Five altogether. And I've
15 told --

16 THE COURT: Pick your best three. I've read
17 over 40 letters. So I want you to zero in on the
18 important matters in my sentencing determination.
19 And if they have previously corresponded with the
20 Court, I expect you to let me know that so that I
21 can turn to their letter.

22 MR. TRAGOS: Mr. Singer has, Your Honor.

23 COURTROOM DEPUTY CLERK: Please state your
24 name and spell your last name for the record.

25 DR. SINGER: Your Honor, I am pleased to

1 appear before the Court.

2 THE COURT: State your name, please, and spell
3 your last name for the record.

4 DR. SINGER: My name is Ira Singer,
5 S-i-n-g-e-r.

6 THE COURT: All right. Thank you, sir. Go
7 right ahead.

8 DR. SINGER: And I've known Charles Jackson
9 Friedlander since 1959, when we first met in
10 Washington, DC. He -- I was on the Georgetown
11 Faculty of Medicine and he was the owner and
12 operator of a small men's shop. At the time --

13 THE COURT: I'm sorry. Meaning a clothing
14 store?

15 DR. SINGER: A clothing store.

16 THE COURT: Okay. Thank you.

17 DR. SINGER: At the time we met, I found him
18 to be very bright, to be amusing, and to be highly
19 intelligent and to have an insatiable curiosity
20 about people and events. Our friendship consisted
21 of meeting occasionally for dinner or so forth. And
22 it was an escape for me -- for me from the academic
23 atmosphere.

24 And I believe I served as a sounding board for
25 the many interesting stories that he had to tell

1 about his adventures in finding lost lost --
2 long-lost relatives all over the world that had
3 become a very objective thing with him.

4 I left Washington in 1965. And I continued to
5 return annually to lecture to some of my old medical
6 students and to new medical students at Georgetown
7 University. From that time on we kept in contact,
8 mostly by telephone and by occasional visits, either
9 Dr. Friedlander to Chicago or I to Washington.

10 Subsequently, it became more and more
11 difficult to -- to keep our contacts up because I
12 was involved in efforts in Vietnam and with a
13 project that we had at the American Medical
14 Association on smoking and health. In any event, we
15 managed to keep in contact usually by telephone and
16 sending birthday cards to each other on our mutual
17 birthday.

18 I have always found Charles Friedlander to be
19 a compassionate, very kindly human being. And I
20 guess the one example that I can give of this is
21 that in 2007, he was in Chicago to visit friends or
22 relatives, and he stopped in at lunchtime to see me.

23 At that point, I had been trying to help out a
24 young man who -- not so young, 38, who had worked
25 for an accountant in an accounting firm, and perhaps

1 foolishly became very loyal to his employer. His
2 employer had -- had started out by trying to enter
3 the priesthood. He had given that up and gone into
4 accounting. He claimed to be a CPA; but as it
5 turned out, he was not.

6 In any event, it turned out that he was
7 addicted to gambling and practically lost everything
8 that anybody he came in contact with and who
9 believed him -- I was one -- did and so he
10 bankrupted everything. This young man that I spoke
11 about who had worked with him and for him tried to
12 help him out to keep him out of jail, and wound up
13 being indigent because of that.

14 Dr. Friedlander heard about this and
15 volunteered, because of his knowledge of the social
16 system, to try to help the young man. He -- he
17 spent a lot of time speaking with people in DuPage
18 County of the Chicago area, it's one of the Western
19 suburbs, and calling them and trying to help this
20 man out.

21 Unfortunately, after this fellow had gone
22 through seizures and spent about four -- this is a
23 sad story -- about four or five weeks in the
24 hospital, he refused to believe that he was disabled
25 in any way; although, he had been treated very

1 substantially. And so all of Dr. Friedlander's
2 efforts came to naught. And his -- his efforts were
3 singular and very extensive.

4 And I know he spends a lot of time on the
5 telephone talking to officials in DuPage County, but
6 nothing has come of it, and the person involved is
7 still indigent, still refuses to believe that he is
8 incapacitated, and so matters stand that way now.

9 MR. TRAGOS: Mr. Singer, can I ask you a
10 question?

11 DR. SINGER: Yes.

12 MR. TRAGOS: Have you ever seen
13 Dr. Friedlander doing anything inappropriate with
14 children?

15 DR. SINGER: I've never seen him in contact
16 with children.

17 MR. TRAGOS: Okay. And have you ever seen him
18 have any tendencies towards violence?

19 DR. SINGER: No. Absolutely not.

20 MR. TRAGOS: Okay. That's all we have for
21 Dr. Singer, Your Honor.

22 THE COURT: Thank you, Dr. Singer. I did get
23 your letter. I read it very carefully and I
24 appreciate it. I'm sure Mr. Friedlander does, as
25 well.

1 DR. SINGER: Thank you, Your Honor.

2 MR. TRAGOS: Linda Kaufman.

3 COURTROOM DEPUTY CLERK: Please state your
4 name and spell your last name for the record.

5 MS. KAUFMAN: Linda Kaufman, K-a-u-f-m-a-n.
6 Your Honor, my name is Linda Kaufman. I stand
7 before you today as an Episcopal priest and a
8 director of a nonprofit mental health program in
9 Washington, DC. I'm here to ask that you use your
10 discretion to exercise leniency with Charles
11 Friedlander in his sentencing.

12 I met Dr. Friedlander when I was a freshman in
13 high school in 1965. He was a spectacular French
14 teacher who has stayed a friend for 45 years. In
15 the years since I graduated from high school in
16 1969, Dr. Friedlander has played many roles in my
17 life.

18 When I was a sophomore in college, I took an
19 overdose of pills. My parents could not talk with
20 me about what happened. When I came home, I went to
21 Chuck Friedlander to talk about things. He helped
22 me put my life back together. I would honestly say
23 that he saved my life.

24 Many times in my life I have relied on him
25 when I really didn't know where else to turn. He

1 was always there for me when I asked for advice or
2 wisdom or gossip. I could tell him anything.

3 I am here today as a character reference for
4 Charles Jackson Friedlander. I have depended on him
5 as a friend, and many times over the years have gone
6 to him for counsel in raising my son. My son is
7 adopted and has many challenges. I profited greatly
8 from Dr. Friedlander's counsel. He's always been
9 gracious, helpful and professional. I have never
10 experienced even the slightest hint of impropriety
11 in my relationship with him.

12 Now Dr. Friedlander is an old man. I don't
13 know what was going on with him when he responded to
14 an e-mail invitation, but I do know this. He has
15 helped me and many others over the years. I'm
16 hopeful you will grant him leniency in your
17 sentencing today. Please give him the minimum
18 sentence and give him a chance to do a little more
19 good in the world. Thank you for taking time to
20 listen to me.

21 THE COURT: Thank you. And I also received
22 your letter and read it attentively.

23 MR. TRAGOS: Mr. Hughes.

24 COURTROOM DEPUTY CLERK: Please state your
25 name and spell your last name for the record.

1 MR. HUGHES: William Hughes, H-u-g-h-e-s.

2 Your Honor, my name is William Hughes. I live in
3 Wilton, Connecticut. I'm the executive director at
4 UBS Investment Bank where I'm responsible for the
5 governance of the firm's strategic investments.

6 Charles has been a family friend since the
7 seventies. My childhood friend's father was his
8 roommate in college. I've had a personal
9 relationship with Charles since, I guess, for the
10 last 25 years. A couple of anecdotes highlight, I
11 think, the impact he's had on my life.

12 Charles offered a lot of relationship advice
13 to me as I was dating, and has met both of my -- I
14 guess the women I dated most seriously. The first
15 one, he actually had very strong opinions about her
16 and had no issues talking to my -- talking to me and
17 to my family directly about that, suggesting that I
18 break up with her. I actually did that.

19 The second one he adored, as did I, and I
20 actually married her in 2000, and I now have three
21 children. Charles participated in our wedding. He
22 is my son's godfather, and he's basically like an
23 uncle to me. Whereas, my parents have been very
24 stoic, he's always been someone I could turn to and
25 speak to on any occasion, and he was always a phone

1 call away.

2 While most of our contact has been over the
3 telephone over the last couple of years, we tend to
4 see him usually in his visits north since we live in
5 Connecticut, or when I bring the family to DC or
6 Florida. Our visits these days are short because he
7 really -- I'm not sure he's had a lot of interest in
8 the kids, so we tend to keep those visits short or
9 we get a baby-sitter.

10 My sister was in a near fatal car accident
11 about six, seven years ago in DC over the New Year's
12 holiday. My family had been out of town, and I
13 don't live in the DC area, so she was airlifted to a
14 trauma center, almost lost her life. And when I
15 heard the news, I made a phone call to Charles since
16 he was the only one we knew in the area.

17 Charles immediately contacted a number of
18 colleagues in various professions to make sure that
19 she had the best possible care. And he stuck on and
20 checked in on her for a number of years after that.

21 I'm a better parent, friend and husband
22 because of what Charles has done for me in my life.
23 So I ask for whatever leniency you can offer in the
24 matter of this case. Thank you very much.

25 MR. TRAGOS: Have you ever seen him do

1 anything inappropriate with children?

2 MR. HUGHES: Absolutely not.

3 MR. TRAGOS: Do you trust your children with
4 him?

5 MR. HUGHES: Absolutely.

6 MR. TRAGOS: Have you ever seen him to have
7 any kind of violent tendency?

8 MR. HUGHES: None whatsoever.

9 MR. TRAGOS: That's all I have, Your Honor.

10 THE COURT: All right. Thank you, Mr. Hughes.
11 I also received your letter and read it very
12 carefully.

13 If you'd like to identify those who are here,
14 Mr. Tragos, I think that might be appropriate. And
15 if they've written a letter, I would like you just
16 to confirm that.

17 MR. KAUFMAN: I'm David Kaufman, Charles's
18 nephew.

19 THE COURT: I remember your letter. Thank
20 you, sir.

21 MR. PAUL KAUFMAN: I'm Paul Kaufman, Charles's
22 brother-in-law.

23 THE COURT: Your letter, as well. Thank you,
24 sir.

25 MR. STEINMART: Your Honor, I'm William

1 Steinmart. I'm Charles's cousin.

2 THE COURT: Did you write?

3 MR. STEINMART: Yeah, I did.

4 THE COURT: I thought you did and I didn't
5 want to misspeak. Thank you, sir.

6 MR. HAYDEN: William Hayden, a friend of
7 Charles.

8 THE COURT: I remember, Mr. Hayden, you
9 testified, did you not, in the first trial?

10 MR. HAYDEN: Yes, sir, I did.

11 THE COURT: Yes, sir. Thank you.

12 MR. STEPHEN KAUFMAN: I'm Stephen Kaufman.
13 I'm Charles's nephew, as well.

14 THE COURT: I remember your letter. Thank
15 you.

16 MR. TRAGOS: Your Honor, that's all we --
17 that's all the presentation that we have.

18 THE COURT: All right. Mr. Friedlander,
19 anything you'd like to say?

20 THE DEFENDANT: No. Thank you, sir.

21 THE COURT: All right. Mr. Tragos?

22 MR. TRAGOS: All right. Your Honor, does the
23 Court wish me to make my final summation before the
24 prosecutor?

25 THE COURT: Yes, sir.

1 MR. TRAGOS: Okay. Your Honor, the -- I know
2 that the Court is not bound by the sentencing
3 guidelines, and I know the Eleventh Circuit, as well
4 as the Supreme Court, has spoken to that.

5 We have a 78 -- maybe 79 --

6 THE DEFENDANT: Seventy-nine.

7 MR. TRAGOS: A 79-year-old man now before the
8 Court. The Court is familiar with his health
9 issues. They are detailed somewhat in the
10 presentence report. The Court has seen his frailty
11 personally.

12 The defendant was a high school counselor;
13 never an inappropriate allegation, never a problem.
14 There were never any allegations about him doing
15 anything inappropriate with any of the children at
16 the school and up to his 78th year.

17 In that year, Your Honor, he was lonely, I
18 guess is the only way to put it, and he found an
19 outlet with America Online, and he started talking
20 to anybody and everybody. And he talked
21 inappropriately to two individuals.

22 The interesting thing about this, and the
23 Court will remember, is that there was no other
24 inappropriate conversation found. The government
25 had a list of all of the individuals that he had

1 spoken with, all of the e-mails, and nothing turned
2 up from their investigation.

3 If the Court will remember, there was an
4 argument during the second trial about an exhibit
5 that was introduced during the first trial. And
6 that was an e-mail that, allegedly, where he told
7 somebody, yes, I had spoken to your son and he was
8 doing bad things, or something like that, to show
9 that he had talked to underage children. That's the
10 only e-mail out of thousands that they found.

11 Well, when they investigated it, the reason
12 that the Court questioned them putting it in is
13 because they actually found out that there was no
14 son and it was just role-playing that was being
15 conducted between the two of them.

16 And so there were no children. No children
17 e-mails, no children pictures, no children activity,
18 nothing. Detective Romanosky didn't believe even
19 when he said that he was abusing children.

20 And so, Your Honor, we've got a -- I guess
21 a -- I know these are always very difficult for the
22 Court, these sentencings. But we've got a situation
23 of a man who's led a good life, who's helped a lot
24 of people, who has a lot of support in the
25 community, who -- I mean, obviously, he should not

1 have done what he did in those conversations, but he
2 just was talking, just was lonely, and he said
3 inappropriate things.

4 But if you look at his history and you look at
5 the man's -- the way the man's conducted himself --
6 and, again, I can't emphasize too much that the
7 government found nothing in his records, in his AOL
8 records, in his e-mails, in his correspondence, in
9 his images that were on his computer that would
10 indicate that there was any interest in children.
11 And, in fact, when you talk to people, you'll see he
12 has no interest in children.

13 And I would ask the Court to consider
14 leniency, to consider the 3553 factors, and give him
15 leniency and sentence him well below the guideline
16 recommendations, because I think that is too harsh
17 for the facts in this action, too harsh for the
18 facts in this case; that, although you can take into
19 consideration the Court allowed as relevant conduct
20 the Spector -- the Port St. Lucie case, I think you
21 can take into consideration that nothing ever
22 happened there.

23 Detective Romanosky also asked him the
24 question during his interview, "Am I going to get a
25 bunch of calls from parents and other individuals

1 once this thing hits the press?" And my client
2 said, "no." And, in fact, it did hit the press and,
3 in fact, there were no calls.

4 So, Your Honor, I look at this and we know
5 it's not -- it doesn't qualify for the aberrant
6 behavior departure, but it is an isolated incident.
7 It is aberrant in the general sense of he does not
8 conduct himself this way. There's no history of it.

9 I know the Court has done other cases like
10 this, and we've heard testimony. It is an
11 extremely, out of the heartland situation where we
12 don't find any child pornography, where we don't
13 find any interest in children, where we don't find
14 any children, where we don't find any e-mails or
15 conversations, nothing like that.

16 And as an example of his loneliness, remember
17 the AOL expert, how many hours and hours and hours
18 was he online just talking to people, and yet we
19 find no children. We found that he never talked to
20 children. And even in this case -- these cases, he
21 didn't talk to children.

22 So I would ask the Court to take all that into
23 consideration when granting him leniency.

24 THE COURT: Thank you, Mr. Tragos.

25 Ms. Kaiser?

1 MS. KAISER: Your Honor, the United States
2 would request a guideline sentence in this case.
3 This case involves some of the most despicable facts
4 that I've encountered in ten years of prosecuting
5 these type of cases. It's just when you think
6 things can't get worse, all of a sudden they do.

7 Most of the time individuals that travel who
8 want to have sex with children discuss at length
9 engaging in various sex acts with kids before they
10 travel. And in this case, this defendant went a
11 step further. Not only did he talk about wanting to
12 engage in various sex acts with the children, this
13 defendant discussed at length wanting to tie the
14 children up, strip them naked -- strip them naked,
15 tie them up to a chair, bound them, and then whip
16 them. And he wanted -- he wanted to beat them first
17 before he engaged in sex with them.

18 If anything, that puts this defendant's case
19 outside the heartland where it's more egregious than
20 what we normally see. This defendant not only
21 wanted to engage in sex with them, he wanted to beat
22 them first.

23 And he drives up from Ft. Myers. And we know
24 that the Court is aware of all the implements of
25 torture that he had in his vehicle. He had all

1 sorts of whips, he had riding crops, he had all the
2 implements of torture that he had discussed at
3 length using on 10 and 11-year-old little boys.

4 The defendant's conduct wasn't aberrant. We
5 know for a fact that at least for the last three
6 years he's been engaged in this type of behavior,
7 because the same detective, Detective Corporal
8 Romanosky, spoke to the defendant back in 2005. So
9 it's at least the three years that we know about.

10 Mr. Tragos mentioned that there was no other
11 chats that were found. Well, I believe the
12 testimony at trial was that chats don't get saved on
13 people's computers. The only reason we had the
14 chats in this case is because law enforcement
15 preserved them. Chats aren't typically recorded by
16 computers.

17 This is a -- this case certainly doesn't call
18 out for the low end. This defendant -- low end is
19 reserved for people that accept responsibility,
20 don't put the government to the burden of proof and
21 have trials. They accept their responsibility and
22 admit their guilt.

23 This defendant has never admitted his guilt.
24 If anything, he took the stand and lied repeatedly
25 at the first trial. He said -- I believe the

1 testimony was he had a riding crop in his car to
2 fend off muggers. It was -- it was preposterous,
3 his testimony at the first trial was preposterous.
4 If anything, a sentence at the high end, given what
5 acts he wanted to commit, is appropriate.

6 In reviewing Detective Spector's transcript
7 from the first trial for the hearing today, I came
8 across a section on page 33 of that transcript where
9 the defendant says -- basically says, I'm not into
10 fantasy, I'm into real. He's talking I'm in this
11 for real. And as the Court's aware, he sent the
12 picture to Detective Spector and wanted to have sex
13 with Detective Spector's little 11-year-old girl.

14 So the video in this case, if the Court will
15 recall, is also fairly telling. Before the
16 cameras -- before the defendant realizes the cameras
17 are rolling, he says, "I shouldn't have done it. I
18 shouldn't have done it."

19 Then when he's being interviewed by Detective
20 Romanosky, he says, "Well, you know, I couldn't -- I
21 couldn't actually have had sex with the children
22 because I'm impotent." And Corporal Romanosky
23 pinned him down and said, well, that's not -- we
24 didn't discuss necessarily just intercourse. What
25 did we discuss? And the defendant kind of hemmed

1 and hawed.

2 And finally Detective Romanosky said, "Well,
3 we discussed oral sex." And the defendant's
4 reaction in that one instant in time is completely
5 telling. His reaction wasn't like, "Oh, my God,
6 what are you talking about." What this defendant
7 said was, "I thought they were going to do that to
8 me. I thought the children were going to perform
9 oral sex on me," is what the defendant said.

10 This case, Your Honor, has got the worst facts
11 that I've dealt with and, you know, the video, the
12 proof, the whips, the chats, they're filthy, they're
13 disgusting, they show what this defendant's intent
14 was.

15 What's extremely disturbing is a 78-year-old,
16 who, by all appearances -- and I have no doubt that
17 he has a wide group of friends, he's probably a very
18 affable guy. But the reality is what he was
19 involved in is as dark as they come. He came up
20 here to beat and have sex with two little boys, and
21 he should not get a sentence at the low end of the
22 guidelines. Thank you.

23 THE COURT: Brief response, Mr. Tragos. Thank
24 you, Ms. Kaiser.

25 MR. TRAGOS: Your Honor, first on this three

1 years that he's been involved in this, the
2 interesting thing is we only know about Romanosky.
3 But if you remember, there was a list that was
4 introduced into evidence of all the screen names of
5 people he talked to, and which included Romanosky
6 and Spector on that list. And nobody on that list,
7 they didn't find a single person on that list that
8 was anything inappropriate. They knew everybody
9 that he was talking to.

10 Secondly, the whipping and the horrible facts,
11 and it's not aberrant, well, if you look at Spector,
12 there was no whipping, there was no violence. He
13 talked the way Spector wanted him to talk, just like
14 he talked that way with Romanosky. He thought this
15 was the way these people wanted him to talk.

16 Your Honor, he did -- he's here, he's
17 convicted. But I would ask the Court to take his 78
18 years into consideration, and the fact that there
19 was no other information whatsoever anywhere
20 surrounding this that indicated that there was any
21 other victims or any other activity by him like
22 this.

23 THE COURT: All right. Thank you, counsel.
24 Mr. Friedlander, I do not have a prepared statement
25 for you. It's my practice to simply talk to you as

1 I impose sentence.

2 The law requires that I consider under Section
3 3553(a) of Title 18 your background and
4 characteristics, and I have. I have read 42
5 letters, some of which were single spaced, multi
6 page, heartfelt, sincere letters, much more detailed
7 than I could have written.

8 And they do attest to your sizeable network of
9 friends and supporters, and many of them are here
10 today. A few of them sat through the trial. They
11 have each written a letter, and they're heartfelt
12 letters. No question about it.

13 And, understandably, none of them accept this.
14 None of them can accept that you did what you did
15 and you engaged in this conduct because it's so
16 inconsistent with what they know of you as a friend,
17 as a mentor, as a social worker, if you will, a
18 therapist.

19 But I have to tell them that that's not
20 unusual to see in these courtrooms in these
21 particular offenses. Most of the individuals I see
22 who commit offenses of this nature don't look like
23 animals and beasts. They look like everyday human
24 beings. But there is a dark side to their lives.

25 And the internet has provided an opportunity,

1 unfortunately, for people like you to pursue that
2 dark side. But it's not AOL's fault. It's the
3 person who does the act. And that's why you're
4 here.

5 So while these supporters and family members
6 will never accept this side of you, the fact remains
7 that a jury listened to the evidence, found you
8 guilty beyond a reasonable doubt. And I don't think
9 there's any other verdict they could have reached.
10 You did what you did.

11 This conduct was not mere discussions or chat
12 or fantasy. That's nonsense. You got in your car
13 with whips and razor straps, drove directly to
14 St. Petersburg, anticipating meeting with a 10 and
15 11-year-old boy to do despicable things and have
16 them do things to you.

17 Ms. Kaiser has touched upon some of the
18 evidence. It goes beyond that. I can remember some
19 of the jurors averting their eyes at the mere words.
20 But they did their duty. They were courageous, and
21 I can't say enough about those jurors.

22 As judges and lawyers, we become, by
23 necessity, somewhat hardened, if you will, to this
24 type of conduct and this type of evidence. It's
25 just our way of dealing with it. But I can assure

1 you it affects me as much as it affects those jurors
2 as much as it affects Ms. Kaiser and, I'm sure, your
3 lawyers. You were represented very ably by two very
4 good lawyers, competent lawyers. There's nothing
5 they could have done to change the facts.

6 I agree with Ms. Kaiser. You lied in the
7 first trial. You could have been enhanced under the
8 guidelines for obstruction of justice. I made
9 notations in my notes of specific testimony that I'm
10 absolutely convinced was self-serving and
11 untruthful. But probation has not recommended that.
12 The government has not recommended that. I'm not
13 going to do it sua sponte.

14 Any sentence I impose in this case is likely
15 to be a death sentence, as a practical matter, given
16 your age and health. And there's no need other than
17 to point out, as I should, that I'm considering
18 everything about you.

19 The letter and the testimony of Dr. Berlin was
20 interesting in the first trial. And the letter I've
21 read again today is interesting. He is imminently
22 qualified. I was impressed with his -- by his
23 credentials and his background.

24 He has opinions and he's entitled to those
25 opinions. But I have to say I can't accept them.

1 This wasn't just fantasy. You got in your car and
2 you drove two and a half hours, or two hours to get
3 up here. That's not fantasy. He engaged in a lot
4 of fact finding in expressing opinions, and that's
5 why, for the most part, much of his testimony was
6 not going to be admissible. In any event, it wasn't
7 offered in the second trial, so that's somewhat moot
8 at this point in time.

9 But I've read his letter. I listened to his
10 testimony very carefully. And, of course, we had an
11 extensive *Daubert* hearing. And I just have to
12 disagree with his opinions. The facts speak for
13 themselves.

14 There is obviously a hope and an intent on the
15 part of Mr. Tragos to minimize your conduct,
16 pointing out that it's somewhat isolated. And
17 although not qualifying for departure under the
18 guidelines for aberrant behavior, it is, if you just
19 compare it to the rest of your life, facially
20 aberrant.

21 But I don't know everything about you, neither
22 does Mr. Tragos, neither do the detectives or
23 Ms. Kaiser or your friends. For one to engage in
24 this type of conduct, to delve into this, as
25 Ms. Kaiser says, dark side, nothing would surprise

1 me.

2 But you are only here for the offenses for
3 which you've been found guilty and the conduct which
4 I've determined to be relevant. I'm not going to
5 impose a sentence based on what I perceive to be
6 untruthfulness in the first trial. I'm simply
7 pointing out that that would have been a serious
8 enhancement.

9 There's a statement made today by Mr. Tragos
10 that you had no interest in children. I have to
11 disagree. Your conduct belies that statement. This
12 wasn't a matter of mere words, mere fantasy chat.
13 You did engage in similar conversations with
14 Detective Spector.

15 The three-year span that Ms. Kaiser points to
16 is borne out by the evidence. You're 79. You have
17 serious health issues, understandably so for a man
18 who's lived this long. And I have no desire or
19 purpose to jeopardize your health. I'll impose a
20 sentence which I believe to be just. You will be
21 taken care of by the Bureau of Prisons. You will
22 have all your medical care and needs addressed.

23 In addition to your background and
24 characteristics, of course, the offense behavior is
25 a consideration under Section 3553. The seriousness

1 of this offense cannot be understated, cannot be
2 minimized. It was shocking, it was despicable.

3 To learn and understand that there are people
4 in this world that would sexually abuse children,
5 beat them, bind them is beyond comprehension. And
6 I'm sure -- forgive me, I'm used to saying Father
7 Kaufman, but it's certainly not father -- Reverend
8 Kaufman, I share your faith. But, certainly, you
9 would have to agree that this is conduct that is
10 incomprehensible, because those who are here to
11 protect children, who decide to offer them up for
12 other's pleasures, I cannot even comprehend that.

13 Dr. Singer, I appreciate your heartfelt
14 remarks. I'm sure this is a disappointment for you.
15 You are a learned man. You are a medical
16 professional. You know, as I say, that there are
17 things we learn about in life that shock us for
18 which there's no medical explanation.

19 And, Mr. Hughes, I appreciate how nervous you
20 were today and how heartfelt your remarks are. And
21 I can only say, again, that sometimes those who we
22 care about most can disappoint us.

23 I hope all of you will continue to support
24 Mr. Friedlander as he serves his sentence, that
25 you'll correspond with him, give him strength. He

1 will need it. If you are truly concerned about his
2 well-being, then be there for him as he endures this
3 sentence.

4 I have used the title "doctor" from time to
5 time and at other times I have not, on purpose. In
6 my judgment, you're not entitled to use that title.
7 You've abused whatever rights and privileges you
8 once enjoyed. As a family counselor, to engage in
9 this type of conduct over a course of years is just
10 so inconsistent with serving your patients and
11 preserving their confidences.

12 You pose a risk. Another factor in the
13 guidelines -- excuse me, under the statute, Section
14 3553(a) is protecting the public. Your conduct
15 convinces me that, had you not been arrested, you
16 posed a threat to other children, real children.

17 The sentence I impose should reflect not only
18 the seriousness of the offense, but promote respect
19 for the law, deter others. Unfortunately, people
20 who engage in this activity are not going to be
21 deterred by sentences imposed, in my opinion.

22 Whether you're a pedophile or not is not the
23 issue. But those who are, those who would derive
24 pleasure from images and videos of children being
25 sexually and physically abused are not going to be

1 deterred by this sentence. I hope that they are.

2 Ultimately, the sentence should be just, it
3 should be sufficient but not greater than necessary
4 to achieve the statutory purposes of sentencing.
5 This defendant faces an advisory guideline range of
6 27 years, minimum, if I do my math correctly; or if
7 I have erred, something less than that.

8 He faces a minimum mandatory sentence required
9 by law of ten years. So, Mr. Friedlander, my
10 decision is whether to impose a sentence at the
11 minimum, which is ten years, or a sentence that
12 truly reflects the conduct that you engaged in. I
13 am mindful that any sentence I impose is likely to
14 result in you dying in prison. Every lawyer in this
15 room is mindful of that.

16 I am going to impose a sentence which I
17 believe is called for, after considering Section
18 3553 (a), including the advisory guideline range, a
19 sentence which I believe to be reasonable, a
20 sentence which I believe to be sufficient but not
21 greater than necessary to achieve the statutory
22 purposes.

23 A sentence at the minimum would not adequately
24 reflect the seriousness of this offense. It would
25 undermine respect for the law. It would certainly

1 not deter others.

2 Accordingly, having considered all of these
3 matters, it is the judgment and sentence of the
4 Court, pursuant to the Sentencing Reform Act of
5 1984, that the defendant be committed to the custody
6 of the Bureau of Prisons for a term of 360 months.
7 Upon release, he will serve a period of supervised
8 release for the rest of his life, subject to the
9 standard terms and conditions adopted by this court.

10 I must impose conditions of supervised release
11 as I deem appropriate, notwithstanding that it is
12 unlikely that this defendant will serve a period of
13 supervised release. Accordingly, he will
14 participate in a mental health program specializing
15 in sexual offender treatment, and submit to
16 polygraph testing for treatment and monitoring
17 purposes, and follow his probation officer's
18 instructions regarding implementation of this court
19 directive.

20 He will contribute to the cost of those
21 services in an amount determined to be reasonable by
22 probation. He is to register with the State Sexual
23 Offender Registration Agency in any state in which
24 he resides, visits, is employed or carries on a
25 vocation, as directed by his probation officer.

1 He is to provide state officials all
2 information required under the Florida Sexual
3 Predator and Sexual Offender Notification and
4 Registration Statutes found in Chapter 943 of the
5 Florida statutes, and the Sex Offender Registration
6 and Notification Act, otherwise referred to as
7 Title I of the Adam Walsh Child Protection and
8 Safety Act of 2006. And probation may direct you to
9 report to those agencies personally for additional
10 processing, including fingerprinting, photographs
11 and DNA collection.

12 You are to have no contact with any minors
13 under the age of 18, that is, without the written
14 approval of your probation officer. And you are to
15 refrain from entering into any area where children
16 frequently congregate, including schools, daycare
17 centers, theme parks and playgrounds.

18 You are prohibited from possessing,
19 subscribing to or viewing any video, magazines or
20 literature depicting children in a state of undress
21 or in sexually explicit positions. You shall not
22 possess or use a computer with access to any online
23 service at any location, without the written
24 approval of your probation officer.

25 This includes access through any internet

1 service provider, bulletin board system, chat room,
2 etcetera, any public or private computer network
3 system. To the extent you've been granted
4 permission to use a computer, you are to permit
5 routine inspection of that computer, its system hard
6 drives and other media storage materials to confirm
7 compliance with this condition. That inspection
8 shall be no more intrusive than as is necessary to
9 ensure compliance with this condition.

10 You are to inform any third party who may be
11 impacted by this condition of this computer-related
12 restriction, and the inspection and search provision
13 of this condition.

14 You are to submit to a search of your person,
15 residence, place of business, and any storage units
16 under your control, including vehicles, computer --
17 I should say computers, conducted by the United
18 States Probation Office at such reasonable time and
19 in such reasonable manner as is requested upon
20 reasonable suspicion of contraband or evidence of
21 violation of any condition of release.

22 Failure to submit to a search may be grounds
23 for revocation of your supervised release. And you
24 are to inform any third parties, including
25 co-residents, of those premises that they may be

1 subject to a search under this condition, meaning
2 that premises.

3 You are to provide probation with access to
4 any requested financial information. This is a
5 qualifying felony. You are to cooperate in the
6 collection of DNA as directed by your probation
7 officer.

8 I will waive the mandatory drug testing
9 requirements of the Violent Crime Control Act. But
10 you are subject to random drug testing not to exceed
11 104 tests per year. You are to pay to the United
12 States a special assessment of \$100, which is due
13 immediately.

14 You have the ability to pay a fine.
15 Accordingly, I am imposing a fine in the amount of
16 \$25,000, payable immediately.

17 I have considered the manner of recommended
18 designation, Mr. Tragos. Do you have any
19 suggestions?

20 MR. TRAGOS: Yes, Your Honor, Butner, North
21 Carolina.

22 THE COURT: That is exactly the facility I was
23 contemplating. Any objection, Ms. Kaiser?

24 MS. KAISER: No, Your Honor.

25 THE COURT: It's my understanding that Butner

1 has a sexual offender screening and evaluation unit.

2 MR. TRAGOS: They also have a medium low and
3 full medical unit.

4 THE COURT: And that would be appropriate at
5 a minimum for classification purposes and
6 evaluation. And I will recommend Butner to the
7 United States Bureau of Prisons.

8 What else, Mr. Tragos?

9 MR. TRAGOS: I don't believe there's anything
10 else, Your Honor.

11 THE COURT: Having pronounced sentence, is
12 there any objection to the sentence imposed or the
13 manner in which it has been pronounced? Ms. Kaiser?

14 MS. KAISER: No, Your Honor.

15 THE COURT: On behalf of the defendant,
16 Mr. Tragos?

17 MR. TRAGOS: None other than have already been
18 stated, Your Honor.

19 THE COURT: All right. So noted and same
20 rulings. I will remand the defendant to the custody
21 of the United States Marshal to await his
22 designation.

23 Sir, you do have ten days within which to
24 appeal the judgment and sentence of the court. If
25 you do not appeal within that ten-day period, you

1 will waive or give up your right to appeal.

2 You are advised that you are entitled to be
3 represented by counsel. One will be appointed to
4 represent you if you're not able to pay a lawyer,
5 and the clerk will accept your notice of appeal
6 without payment of the filing fee.

7 Mr. Tragos or Mr. Sartes will discuss with you
8 the advantages and disadvantages of an appeal.
9 Listen carefully to their advice, but it is your
10 decision. If you choose to appeal, they are
11 obligated to file a notice of appeal on your behalf
12 and perfect it.

13 If you tell them not to appeal, they will
14 document their file to ensure there's no
15 misunderstanding about your decision in that regard.
16 Do you have any questions about your right to
17 appeal?

18 THE DEFENDANT: No, sir.

19 THE COURT: All right. Anything else,
20 counsel?

21 MS. KAISER: No, Your Honor.

22 MR. TRAGOS: No, Your Honor.

23 THE COURT: Thank you. We will be in recess.

24 COURTROOM SECURITY OFFICER: All rise.

25 (Proceedings concluded at 12:24 PM.)

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C E R T I F I C A T E

STATE OF FLORIDA)
COUNTY OF HILLSBOROUGH)

I, Linda Starr, RPR, Official Court Reporter for
the United States District Court, Middle District,
Tampa Division,

DO HEREBY CERTIFY, that I was authorized to and
did, through use of Computer Aided Transcription,
report in machine shorthand the proceedings and
evidence in the above-styled cause, as stated in the
caption hereto, and that the foregoing pages,
numbered 1 through 91, inclusive, constitute a true
and correct transcription of my machine shorthand
report of said proceedings and evidence.

IN WITNESS WHEREOF, I have hereunto set my hand in
the City of Tampa, County of Hillsborough, State of
Florida, this 13th day of September 2009.

 /s/ Linda Starr
Linda Starr, RPR, Official Court Reporter

Certificate of Service

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I certify that a copy of this appendix and the notice of electronic filing was sent by CM/ECF on January 29, 2020, to:

JAMES B. CRAVEN, III, ESQ.
JOSEPH E. PARRISH, ESQ.

Counsel for Charles Jackson Friedlander

s/ Todd B. Grandy

TODD B. GRANDY
Assistant United States Attorney